

INITIAL STUDY/NEGATIVE DECLARATION

**City of Newport Beach
City Hall Reuse Project**

LEAD AGENCY:

City of Newport Beach
3300 Newport Boulevard
Newport Beach, California 92663
Contact: Mr. James Campbell, Principal Planner
(949) 644-3210



PREPARED BY:

Keeton Kreitzer Consulting
P. O. Box 3905
Tustin, California 92781-3905
Contact: Mr. Keeton K. Kreitzer, Principal
(714) 665-8509

November 2012

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TABLE OF CONTENTS

1.0	INTRODUCTION	1
1.1	STATUTORY AUTHORITY AND REQUIREMENTS	1
1.2	PURPOSE	1
1.3	INCORPORATION BY REFERENCE	2
1.4	TIERING	3
2.0	PROJECT DESCRIPTION	5
2.1	PROJECT LOCATION AND ENVIRONMENTAL SETTING	5
2.2	PROJECT BACKGROUND	9
2.3	PROJECT CHARACTERISTICS	9
3.0	ENVIRONMENTAL SUMMARY	14
3.1	BACKGROUND	14
3.2	ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED	16
3.3	EVALUATION OF ENVIRONMENTAL IMPACTS	16
4.0	ENVIRONMENTAL ANALYSIS	18
4.1	AESTHETICS	18
4.2	AGRICULTURE AND FOREST RESOURCES	39
4.3	AIR QUALITY	41
4.4	BIOLOGICAL RESOURCES	48
4.5	CULTURAL RESOURCES	52
4.6	GEOLOGY AND SOILS	55
4.7	GREENHOUSE GAS EMISSIONS	60
4.8	HAZARDS AND HAZARDOUS MATERIALS	66
4.9	HYDROLOGY AND WATER QUALITY	74
4.10	LAND USE AND PLANNING	81
4.11	MINERAL RESOURCES	96
4.12	NOISE	97
4.13	POPULATION AND HOUSING	101
4.14	PUBLIC SERVICES	103
4.15	RECREATION	109
4.16	TRANSPORTATION/TRAFFIC	110
4.17	UTILITIES AND SERVICE SYSTEMS	117
4.18	MANDATORY FINDINGS OF SIGNIFICANCE	121
4.19	REFERENCES	123
4.20	REPORT PREPARATION PERSONNEL	124
5.0	CONSULTANT RECOMMENDATION	126
6.0	LEAD AGENCY DETERMINATION	128
7.0	COMMENTS AND RESPONSES	Included with Final IS/ND
8.0	MITIGATION MONITORING AND REPORTING PROGRAM	Included with Final IS/ND

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1.0 INTRODUCTION

Following preliminary review of the proposed City of Newport Beach City Hall Reuse Project, the City has determined that the Project is subject to the guidelines and regulations of the California Environmental Quality Act (CEQA). This Initial Study addresses the direct, indirect, and cumulative environmental effects associated with the Project, as proposed.

1.1 STATUTORY AUTHORITY AND REQUIREMENTS

In accordance with the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000-21177) and pursuant to Section 15063 of Title 14 of the California Code of Regulations (CCR), the City of Newport Beach, acting in the capacity of Lead Agency, is required to undertake the preparation of an Initial Study to determine if the proposed Project would have a significant environmental impact. If, as a result of the Initial Study, the Lead Agency finds that there is evidence that any aspect of the project may cause a significant environmental effect, the Lead Agency shall further find that an Environmental Impact Report (EIR) is warranted to analyze project-related and cumulative environmental impacts. Alternatively, if the Lead Agency finds that there is no evidence that the project, either as proposed or as modified to include the mitigation measures identified in the Initial Study, may cause a significant effect on the environment, the Lead Agency shall find that the proposed project would not have a significant effect on the environment and shall prepare a Negative Declaration for that project. Such determination can be made only if "there is no substantial evidence in light of the whole record before the Lead Agency" that such impacts may occur (Section 21080(c), Public Resources Code).

The environmental documentation, which is ultimately selected by the City of Newport Beach in accordance with CEQA, is intended as an informational document undertaken to provide an environmental basis for subsequent discretionary actions upon the project. The resulting documentation is not, however, a policy document and its approval and/or certification neither presupposes nor mandates any actions on the part of those agencies from whom permits and other discretionary approvals would be required.

The environmental documentation and supporting analysis is subject to a public review period. Because the proposed project involves a General Plan Amendment and is, therefore, considered by to be a project "... of statewide, regional, or areawide significance" as prescribed in Section 15206 of the State CEQA Guidelines, the review period is determined to be 30 days. During this review, public agency comments on the document relative to environmental issues should be addressed to the City of Newport Beach. Following review of any comments received, the City of Newport Beach will consider these comments as a part of the project's environmental review and include them with the Initial Study documentation for consideration by the City of Newport Beach.

1.2 PURPOSE

The purposes of the Initial Study/Environmental Checklist are to: (1) identify environmental impacts; (2) provide the Lead Agency with information to use as the basis for deciding whether to prepare an EIR or Negative Declaration; (3) enable an applicant or Lead Agency to modify a project, mitigating adverse impacts before an EIR is prepared; (4) facilitate environmental assessment early in the design of the project; (5) provide documentation of the factual basis for the finding in a Negative Declaration that a project would not have a significant environmental effect; (6) eliminate needless EIRs; (7) determine whether a previously prepared EIR could be used for the project; and (8) assist in the preparation of an EIR, if required, by focusing the EIR on the effects determined to be significant, identifying the effects determined not to be significant, and explaining the reasons for determining that potentially significant effects would not be significant.



Section 15063 of the CEQA Guidelines identifies specific disclosure requirements for inclusion in an Initial Study. Pursuant to those requirements, an Initial Study shall include: (1) a description of the project, including the location of the project; (2) an identification of the environmental setting; (3) an identification of environmental effects by use of a checklist, matrix or other method, provided that entries on a checklist or other form are briefly explained to indicate that there is some evidence to support the entries; (4) a discussion of ways to mitigate significant effects identified, if any; (5) an examination of whether the project is compatible with existing zoning, plans, and other applicable land use controls; and (6) the name of the person or persons who prepared or participated in the preparation of the Initial Study.

1.3 INCORPORATION BY REFERENCE

As permitted by Section 15150 of the State CEQA Guidelines, this initial study incorporates several documents by reference. The reference documents identified below were utilized during the preparation of the Initial Study. The relevant information and/or analysis that has been incorporated by reference into this initial study has been summarized. Each of the documents identified below, which have been incorporated by reference, are available for review at the City of Newport Beach Community Development Department, located at 3300 Newport Boulevard, Newport Beach, California 92663.

- *City of Newport Beach General Plan (adopted July 25, 2006)*. The purpose of the City of Newport Beach General Plan (General Plan) is to provide a general, comprehensive, and long-range guide for community decision-making. The Newport Beach General Plan is organized into ten elements. General Plan Elements have been re-organized by thematic topic for clarity and to avoid redundancy. The subjects of the Conservation and Open Space Element have been merged into the Natural Resources Element. The General Plan also includes Parks and Recreation, Historical Resources, Arts and Cultural and Harbor and Bay Elements. Each General Plan element presents an overview of its scope, summary of conditions and planning issues, goals, and policies. Goals and policies of the General Plan are applicable to all lands within the City's jurisdiction. Consistent with state statutes, it also specifies policies for the adopted Sphere of Influence (SOI).
- *City of Newport Beach Environmental Impact Report General Plan 2006 Update (April 21, 2006) SCH No. 2006011119*. The City of Newport Beach Environmental Impact Report General Plan 2006 Update (*General Plan EIR*) reviews the City's and Planning Area's existing conditions, analyzes potential environmental impacts from implementation of the General Plan Update, identifies policies from the proposed General Plan Update that serve to reduce and minimize impacts, and identifies additional mitigation measures, to reduce potentially significant impacts of the General Plan Update. The EIR presents a worst-case scenario based upon the City's and adjacent areas' maximum potential development from 2002 through 2030.

The EIR was prepared as a Program EIR (CEQA Guidelines Section 15168, *Program EIR*), and as such, was intended to serve as the environmental document for a series of actions contemplated by the General Plan, including amending the Zoning Ordinance to bring it into consistency with the General Plan. CEQA provides for using a Program EIR to ensure consideration of cumulative impacts, avoid duplicative reconsideration of basic policy issues, and allow early identification and evaluation of program wide mitigation measures. As discussed above in Section 1.4 (Tiering), agencies are encouraged to tier the environmental analyses, which refers to using the analysis of general matters contained in a broader EIR (i.e., General Plan) with later EIRs/negative declarations on narrower projects. The City is using the tiering concept, as permitted under the CEQA Guidelines, and the environmental analysis contained within this document for the City Hall Reuse Project is being tiered with the *General Plan Update EIR, where determined applicable based on the proposed redevelopment of the Newport Beach City Hall property*. This City Hall Reuse Project IS/ND is



incorporating by reference the environmental analysis from the broader *General Plan Update EIR*, which provides a description of the environmental setting as well as the environmental impact conclusions. The baseline conditions for analysis are those identified within the *General Plan Update EIR*.

- *City of Newport Beach Zoning Code* (Title 20 of the City of Newport Beach Municipal Code, *Planning and Zoning*) (adopted October 26, 2010 and as amended from time to time thereafter). The purpose of the *Zoning Code* is to promote growth in Newport Beach in an orderly manner, while promoting public health, safety, peace, comfort and general welfare. The *Zoning Code* also establishes zoning districts and regulations for the use of land and development for properties within the City. Where applicable, development standards and related relevant requirements prescribed in the *Zoning Code* have been identified and summarized and their relationship to the proposed City Hall Reuse Project identified and described in the IS/MND.

1.4 TIERING

Agencies are encouraged to tier the environmental analyses, which they prepare for separate but related projects including general plans, zoning changes, and development projects. According to CEQA (CEQA Guidelines Section 15152, *Tiering*) "tiering" refers to using the analysis of general matters contained in a broader EIR (such as one prepared for a general plan or policy statement) with later EIRs and negative declarations on narrower projects; incorporating by reference the general discussions from the broader EIR; and concentrating the later EIR or negative declaration solely on the issues specific to the later project. This approach is intended to eliminate repetitive discussions of the same issues and focus the later EIR or negative declaration on the actual issues pertinent to each level of environmental review. Although the proposed City Hall Reuse Project would result in alterations of the land use opportunities evaluated in the 2006 General Plan EIR for the City Hall property, many of the goals and objectives and policies and programs articulated in the General Plan and evaluated in the General Plan EIR Update address land use goals, policies and objectives that remain relevant to the subject property nonetheless. To the extent that the analysis of those goals, objectives and policies still pertain to redevelopment of the project site, the tiering process has been utilized where determined appropriate to environmental review process for the City Hall Reuse Project.



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2.0 PROJECT DESCRIPTION

2.1 PROJECT LOCATION AND ENVIRONMENTAL SETTING

PROJECT LOCATION

The City of Newport Beach is located in Southern California, within the westernmost portion of Orange County, California; refer to Exhibit 2-1 (Regional Vicinity Map). Newport Beach is bordered by the cities of Costa Mesa to the northwest, Irvine to the northeast, unincorporated Orange County to the southeast, and by the Pacific Ocean to the west; refer to Exhibit 2-2 Local Vicinity). The Newport Beach City Hall property, which encompasses 4.26 (gross) acres, including 3.96 usable acres, is located at 3300 Newport Boulevard (northeast corner of 32nd Street and Newport Boulevard).

ENVIRONMENTAL SETTING

Newport Beach has a current population of approximately 86,738 persons¹. The Newport Beach planning area contains 26,676 acres, not including streets and roadways, which account for approximately 20 percent (5,335 acres) of the gross land acreage. Approximately 42 percent (11,119 acres) of the planning area is water, which includes the Upper and Lower Newport Bay and its channels, and the Pacific Ocean. The subject property is currently occupied by the Newport Beach City Hall Complex, which supports 53,971 square feet, including 44,018 gross square feet of administration/office floor area within the City Hall Office Complex and 9,953 gross floor area comprising the existing Newport Beach Fire Department Fire Station No. 2. The subject property is currently designated as Public Facilities on the Land Use Element of the Newport Beach General Plan.

The existing City Hall Complex is located in an area of the City that is generally characterized by commercial development, including retail, office and restaurant uses. In addition, a gasoline station is located across Newport Boulevard at the Finley Avenue intersections. A single, low intensity/density mixed use building is located to the south; the City is anticipating the receipt of applications for a multiple-family residential development across Via Oporto to the east. Two religious institutions are also located to the east of the project site. Existing land use designations in the vicinity of the City Hall Complex include Corridor Commercial (CC) and Neighborhood Commercial (CN) to the west; General Commercial (GC) to the north; Multi-Unit Residential (RM 20 du/ac), General Commercial (CG), and Private Institution (PI) to the east; and Mixed-Use Horizontal 4 (MU-H4) and Visitor Serving Commercial (CV) to the south.

Vehicular access is presently provided at the signalized intersection of Newport Boulevard and Finley Avenue and by a driveway from 32nd Street and Villa Way. Access to Via Lido Plaza, a shopping center, is provided through an easement from Finley Avenue. Although no easement is known to exist, truck access to Via Lido Plaza is also provided across an eastern portion of the project site to 32nd Street. Although the City currently maintains a reciprocal parking agreement with St. James Church, allowing parishioners to park on the City Hall Complex site for evening and weekend services when City Hall is closed, a notice to terminate the agreement within approximately one year has been sent to the Church.

Underground gasoline storage tanks were removed from the City Hall Complex property in 2003 under regulatory review by the Orange County Health Care Agency. A small above-ground diesel fuel storage tank (AST), which is used for emergency power generation, remains on the subject site; however, that AST will be removed and the site remediated as determined necessary at the time demolition of the existing structures occurs.

¹State of California, Department of Finance, *E-5 Population and Housing Estimates for Cities, Counties, and the State, 2001-2010, with 2000 Benchmark*. Sacramento, California, May 2010.



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Source: City of Newport Beach General Plan 2006 Update Volume I Draft EIR.

NOT TO SCALE



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Regional Vicinity

Exhibit 2-1



Local Vicinity
Exhibit 2-2



2.2 PROJECT BACKGROUND

For at least two decades, Newport Beach has considered making changes to its City Hall. The current effort began in 2001 with a thorough analysis of the existing City Hall Complex located at 3300 Newport Boulevard. The study found that the aging facility had several significant problems including insufficient work space, lack of adequate parking, lack of full ADA-accessibility to every aspect of the campus, and inefficient HVAC and electrical systems. A new City Hall building was needed, but funding and location issues needed to be resolved. The City's Facilities Finance Review Committee determined that Newport Beach had the financial means to build a new City Hall along with the ability to finance other key city infrastructure improvements. The location of City Hall, however, was a matter of much public debate that was resolved in February 2008, when a special ballot measure, Measure B, was approved by voters. Measure B amended the City Charter to say that City Hall should be on city-owned land on Avocado Avenue in Newport Center. With the location determined, the City began the planning, design and construction process for a new City Hall. Construction began at the new site in May of 2010 and is planned to be completed in early 2013.

Planning for the re-use of the existing City Hall Complex began in 2010, with comprehensive re-imagining of the entire Lido Village area. The overall goal was to revitalize the area and create an inviting place for residents and visitors. In January of 2011, the City adopted Concept Plan 5B that provided a vision for re-use of the project site. Concept 5B is a non-binding, non-regulatory plan that suggested the project site be used for a variety of uses including a small community center, public plazas and promenades, residential uses, commercial uses, public parking and a fire station. The concept plan also suggested new aesthetic and pedestrian-oriented improvements to existing public streets in the area (Newport Boulevard, Via Lido, 32nd Street, Via Oporto and Via Malaga). Planning for the site continued in 2011 and 2012, with the creation and adoption of the Lido Village Design Guidelines following extensive public input and involvement. The Design Guidelines do not address future land uses but they describe the overall design themes for future development within Lido Village. Since the adoption of the Design Guidelines in January of 2012, the City has focused on identifying appropriate land uses for the site including the density and intensity of that use. On September 25, 2012, the City Council approved the project description described for consideration.

2.3 PROJECT CHARACTERISTICS

The City of Newport Beach is proposing to amend the General Plan, Coastal Land Use Plan (CLUP), and Zoning Code designations from "Public Facilities" currently approved for the City Hall Complex property to new "Mixed Use" designations in order to allow for the reuse of the 4.26 (gross) acre property. If approved, these amendments would allow for redevelopment of the exiting City Hall Complex property with a combination of land uses, including up to 99 market rate multiple-family residential dwelling units (e.g., mid-rise apartment), a hotel with a floor area of up to a maximum of 99,674 square feet, and up to 15,000 square feet specialty retail uses. The proposed amendments would also establish a 55-foot maximum building height (with architectural features up to 65 feet in height) to accommodate 4-story buildings. Demolition of the existing buildings, establishment of interim uses, or construction of a specific project is not contemplated at this time and is not evaluated in this document.

Implementation of the proposed mixed use project would necessitate approval of amendments to the Newport Beach General Plan (Land Use Element) and the City's Coastal Land Use Plan. In addition, project implementation will also necessitate a zone change. Each of these discretionary actions is described below.



1. Amendment of the Newport Beach General Plan Land Use Element

The General Plan amendment will include both text and map revisions to replace the existing Public Facilities (PF) designation for the site with a new mixed use land use category as reflected below.

“Mixed Use Horizontal 5 (MU-H5)

The MU-H5 designation applies to the former City Hall Complex located at the northeast corner of the intersection of Newport Boulevard and 32nd Street. The MU-H5 designation provides for the horizontal or vertical intermixing of commercial, visitor accommodations, residential, and/or civic uses. Civic uses may include, but are not limited to, a community center, public plazas, a fire station and/or public parking.”

Density/Intensity

Approval of the General Plan Amendment will result in the creation of a new Anomaly Location within Table LU-2 as indicated below and amend Figure LU6 (Land Use Map) to reflect the MU-H5 land use designation for the project site.

**Table LU2
Anomaly Locations**

Anomaly Number	Statistical Area	Land Use Designation	Development Limit (sf)	Development Limit (Other)	Additional Information
Next # in Sequence	B5	MU-H5	99 dwelling units And 15,000 sf commercial or 99,625 sf of hotel	Any combination of dwelling units and hotel rooms provided it does not exceed 99 dwelling units or 99,675 sf of hotel use.	Accessory commercial floor area is allowed in conjunction with a hotel and it is included within the hotel floor area limit. Municipal facilities are not restricted or included in any development limit.
SOURCE: City of Newport Beach (September 2012)					

2. Coastal Land Use Plan Amendment

The Coastal Land Use Plan will include both text and map revisions to change the land use category applicable to the site from Public Facilities to a new Mixed Use category. Table 2.2.1-1 of the CLUP will be revised to include the new Mixed Use land use category, permitted uses, and density/intensity of use parameters.



**Table 2.2.2-1
 Land Use Plan Categories**

Land Use Category	Uses	Density/Intensity
Mixed Use – MU	The MU category is intended to provide for the development of a mix of uses, which may include general, neighborhood or visitor-serving commercial, commercial offices, visitor accommodations, multi-family residential, mixed use development, and/or civic uses.	99 dwelling units and 15,000 sf of commercial or 99,625 sf of hotel or Any combination of dwelling units and hotel rooms provided it does not exceed 99 dwelling units or 99,675 sf of hotel use. Municipal facilities are not restricted or included in any development limit.
SOURCE: City of Newport Beach (September 2012)		

In order to establish a higher height limit, CLUP policy 4.4.2-1 is also proposed to be amended as reflected below.

4.4.2-1 Maintain the 35-foot height limitation in the Shoreline Height Limitation Zone, as graphically depicted on Map 4-3, except for the following sitesites.

- A. Marina Park located at 1600 West Balboa Boulevard: A single, up to 73-foot tall architectural tower that does not include floor area but could house screened communications or emergency equipment. The additional height would create an iconic landmark for the public to identify the site from land and water and a visual focal point to enhance public views from surrounding vantages.
- B. Former City Hall Complex located at 3300 Newport Boulevard: Buildings and structures up to 55 feet in height, provided it is demonstrated that development does not negative impact public views. Peaks of sloping roofs and elevator towers may exceed 55 feet by up to 5 feet and architectural features such as domes, towers, cupolas, spires, and similar structures may exceed 55 feet by 10 feet. The purpose of allowing buildings, structures and architectural elements to exceed 35 feet is to promote vertical clustering resulting in increased open space and architectural diversity while protecting existing coastal views and providing new coastal view opportunities.

3. Zoning Code Amendment

Approval of the Zoning Code Amendment will result in text changes as reflected below as well as map changes to the existing PF (Public Facilities) zoning district applicable to the site.



“MU-LV” (Mixed Use – Lido Village)”

Purpose: The MU-LV designation applies to the former City Hall Complex located at the northeast corner of the intersection of Newport Boulevard and 32nd Street. The MU-LV designation provides for the horizontal or vertical intermixing of commercial, visitor accommodations, residential, and/or civic uses. Civic uses may include a community center, public plazas, fire station and/or public parking.

Allowed Uses: Retail commercial offices (non-medical), visitor accommodations, multi-unit residential, community center, fire station, public parking facility.

Maximum density/intensity: 99 dwelling units and 15,000 sf commercial or 99,625 sf of hotel or any combination of dwelling units and hotel rooms provided it does not exceed 99 dwelling units or 99,675 sf of hotel use. Municipal facilities are not restricted or included in any development limit.

Structure height: 55 feet; however, peaks of sloping roofs and elevator towers may exceed 55 feet by up to 5 feet and architectural features such as domes, towers, cupolas, spires, and similar structures may exceed 55 feet by 10 feet.

Building setbacks:

Newport Boulevard	Subterranean ¹	1 foot
	1st & 2 nd floor ²	20 feet
	Above 2 nd floor ³	35 feet
32 nd Street	Subterranean ¹	1 foot
	1st & 2 nd floor ²	1 foot
	Above 2 nd floor ³	10 feet
Interior	Subterranean ¹	1 foot
	Above grade	5 feet
¹ Not more than 1 foot above abutting public sidewalk. ² 1 – 26 feet above abutting public sidewalk. ³ More than 26 feet above abutting public sidewalk.		

Open Space: 20% of the project site to be maintained as public open space (e.g., public plazas, pedestrian promenades, outdoor recreational spaces, patios, landscaping, etc.)

Parking and other development standards: Subject to Zoning Code

Development Review Process: Consistent with the Zoning Code – Site Development Review (SDR) or Planned Development Permit (PDP)

4. Public Street Improvements

In addition to the mixed residential development that would be permitted by the proposed General Plan and Coastal Land Use Plan Amendments and Zone Change, the City is also contemplating several public street improvements in accordance with the Lido Villa Design Guidelines. The general nature of these roadway improvements are described below.

Streets abutting or near the project site may be improved as a result of future development of the project site. These streets are Newport Boulevard, 32nd Street, Via Lido, Via Oporto and Via Malaga.



The overall concept for these improvements would be to improve aesthetics, increase safety, and enhance the pedestrian experience while not interrupting existing traffic flows, reducing trip volumes or restricting retail visibility. The use of decorative paving, widened sidewalks, angled parking, streetscape lighting, enhanced crosswalks, new themed drought-tolerant landscaping, consistent street furniture, wayfinding signage and graphic banners would be implemented over time to achieve these goals.



3.0 ENVIRONMENTAL SUMMARY

3.1 BACKGROUND

1.	Project Title: City of Newport Beach City Hall Reuse Project
2.	Lead Agency Name and Address: City of Newport Beach 3300 Newport Boulevard Newport Beach, California 92663
3.	Contact Persons and Phone Numbers: Mr. James Campbell, Principal Planner, (949) 644-3210
4.	Project Location: 3300 Newport Boulevard, Newport Beach, Orange County, California.
5.	Project Sponsor's Name and Address: City of Newport Beach 3300 Newport Boulevard Newport Beach, California 92663
6.	General Plan Designation: Public Facilities – PF
7.	Zoning: PF – Public Facilities
8.	Description of the Project: The City of Newport Beach is proposing to amend the Land Use Element of the Newport Beach General Plan and the Coastal Land Use Plan to allow for the redevelopment/reuse of the existing City Hall Complex property. In addition, the City is also proposing a change of zone that would accommodate the mixed use development contemplated by the City. The land use designation on the City's Land Use Element Map would be amended to replace the "Public Facilities (PF) land use designation to "Mixed Use-Horizontal" (MU-H5). Similarly, the Coastal Land Use Plan would also be amended to amend the Public Facilities (PF) designation to reflect the "Mixed Use" (MU) designation. Finally, the "Public Facilities" (PF) zoning on the subject property would also be changed to "MU-LV" (Mixed Use-Lido Village) in order to allow for the redevelopment/reuse of the subject property as contemplated by the City. The Mixed Use land use designation and zoning, if approved for the 4.26-acre property, would allow for potential mixed-use development that could include up to 15,000 square feet of retail commercial or a community center, up to 99,675 square feet of hotel uses, up to 99 market rate multiple-family residential dwelling units, and retention and/or replacement of Fire Station No. 2. In addition, the proposed land use and zoning would also allow for the provision 1.3 acres of public open space, including public plazas and promenades. In addition to the mixed residential development that would be permitted by the proposed General Plan and Coastal Land Use Plan Amendments and Zone Change, the City is also contemplating several public street improvements in accordance with the Lido Villa Design Guidelines.



9. Surrounding Setting and Land Uses: The existing City Hall Complex is located in an area of the City that is generally characterized by commercial development, including retail, office and restaurant uses. In addition, a gasoline station is located across Newport Boulevard at the Finley Avenue intersections. A single, low intensity/density mixed use building is located to the south; the City is anticipating the receipt of applications for a multiple-family residential development across Via Oporto to the east. Two religious institutions are also located to the east of the project site. Existing land use designations in the vicinity of the City Hall Complex include Corridor Commercial (CC) and Neighborhood Commercial (CN) to the west; General Commercial (GC) to the north; Multi-Unit Residential (RM 20 du/ac), General Commercial (CG), and Private Institution (PI) to the east; and Mixed-Use Horizontal 4 (MU-H4) and Visitor Serving Commercial (CV) to the south.

9. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):

California Coastal Commission (CCC)



3.2 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” or “Potentially Significant Impact With Mitigation Incorporated,” as indicated by the checklist on the following pages.

Aesthetics	Land Use and Planning
Agriculture and Forest Resources	Mineral Resources
Air Quality	Noise
Biological Resources	Population and Housing
Cultural Resources	Public Services
Geology and Soils	Recreation
Greenhouse Gas Emissions	Transportation/Traffic
Hazards and Hazardous Materials	Utilities and Service Systems
Hydrology and Water Quality	Mandatory Findings of Significance

3.3 EVALUATION OF ENVIRONMENTAL IMPACTS

Section 4 (following) analyzes the potential environmental impacts associated with the proposed General Plan Amendment, Coastal Land Use Plan Amendment, and Zone Change. The issue areas evaluated in this Initial Study include:

- Aesthetics
- Agriculture and Forest Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Greenhouse Gas Emissions
- Geology and Soils
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation/Traffic
- Utilities and Service Systems

The environmental analysis in Section 4 is patterned after the Initial Study Checklist recommended by the *CEQA Guidelines*, as amended, and used by the City of Newport Beach in its environmental review process. For the preliminary environmental assessment undertaken as part of this Initial Study’s preparation, a determination that there is a potential for significant effects indicates the need to more fully analyze the development’s impacts and to identify mitigation.

For the evaluation of potential impacts, the questions in the Initial Study Checklist are stated and an answer is provided according to the analysis undertaken as part of the Initial Study. The analysis considers the long-term, direct, indirect, and cumulative impacts of the development. To each question, there are four possible responses:

- **No Impact.** The development will not have any measurable environmental impact on the environment.
- **Less Than Significant Impact.** The development will have the potential for impacting the environment, although this impact will be below established thresholds that are considered to be significant.



- **Less Than Significant Impact With Mitigation Incorporated.** The development will have the potential to generate impacts, which may be considered as a significant effect on the environment, although mitigation measures or changes to the development's physical or operational characteristics can reduce these impacts to levels that are less than significant.
- **Potentially Significant Impact.** The development could have impacts, which may be considered significant, and therefore additional analysis is required to identify mitigation measures that could reduce potentially significant impacts to less than significant levels.

Where potential impacts are anticipated to be significant, mitigation measures will be required, such that impacts may be avoided or reduced to insignificant levels.



4.0 ENVIRONMENTAL ANALYSIS

The following is a discussion of potential project impacts as identified in the Initial Study. Explanations are provided for each item.

4.1 AESTHETICS

<i>Would the project:</i>	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Have a substantial adverse effect on a scenic vista?		■		
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				■
c. Substantially degrade the existing visual character or quality of the site and its surroundings?		■		
d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?		■		

Impact Analysis

4.1(a) *Have a substantial adverse effect on a scenic vista?*

Less Than Significant Impact. The Newport Beach General Plan and Local Coastal Program (LCP) have identified several natural features, including the Pacific Ocean and bay that provide open coastal views. Other features include important view points and roadway segments that provide coastal views as well as parks and other public spaces that also allow visual access to important aesthetic features. As a result, the City’s General Plan and LCP have developed policies to preserve these significant vistas and views. However, it is important to note that although the subject property is not designated as an important aesthetic resource, West Coast Highway is designated as a Coastal View Road and several Public View Points are located in the environs, including those above Hoag’s Lower Campus (refer to Exhibit 4.1-1) and along Cliff Drive and Cliff Drive Park in the Newport Heights area of the City (refer to Exhibit 4.1-8). As indicated in the photographs taken from the six designated Public View Points west of the Newport Boulevard Bridge (refer to Exhibits 4.1-2 through 4.1-7), it is anticipated that portions of the future mixed use development occurring on the City Hall Complex property could come into view within the “bracketed” area identified on those exhibits. However, even with a maximum building height of up to 55 feet with architectural features up to 65 feet in height, it is unlikely that any structures that may be proposed on the site in the future would be indistinguishable from these six locations because the structure(s) would be over one-half mile from the important designated Public View Points and they would blend into the background of existing development. Furthermore, any future development of the City Hall Complex site would be subject to the design guidelines articulated in the Lido Village Design Guidelines, including site design, architecture, and landscape architecture as well as relevant adopted policies in the City’s general plan for development. Because any proposed structures would be in the distant background of the visual landscape, future development of the site would not compromise views of the harbor and ocean from these important view locations. Therefore, potential visual impacts from these six Public View Points will be less than significant; no mitigation measures are required.



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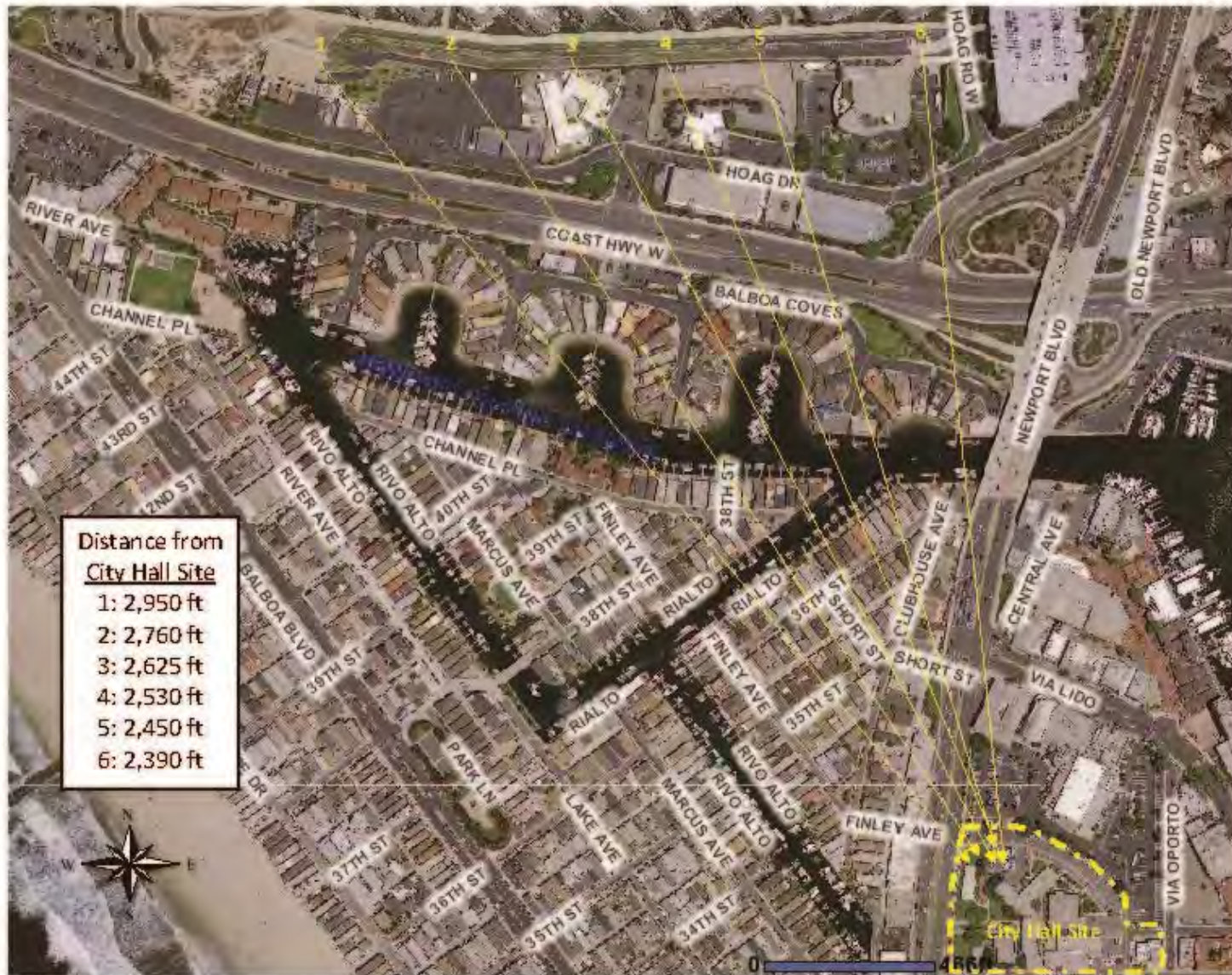


Exhibit 4.1-1
 Photograph Location Key Map – West of Newport Boulevard



View from Site 1

Exhibit 4.1-2
View from Site 1



View from Site 2

Exhibit 4.1-3
View from Site 2



View from Site 3

Exhibit 4.1-4
View from Site 3

View from Site 4



Exhibit 4.1-5
View from Site 4



View from Site 5

Exhibit 4.1-6
View from Site 5



Exhibit 4.1-7
View from Site 6



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The Resources Element also identifies three additional Public View Points east of Newport Boulevard in the vicinity of Cliff Drive Park. Views from these locations are illustrated in Exhibits 4.1-8 through 4.1-11. As indicated in the photographs, the City Hall Complex property is identified in the background, approximately one-half mile north of the view locations. As can be seen in these photographs, the portions of the turning basin and ocean can be seen from these view locations. However, although redevelopment/reuse of the site would permit structures up to 55 feet high, including architectural features up to 65 feet in height, future structures would blend in with the existing development within Lido Village and the surrounding area. Several other taller residential, office, and a mixed use building are also located in the vicinity of the project and within the view. The project, combined with the requirement to comply with applicant architectural, site design and landscape architecture prescribed in the Lido Village Design Guidelines and applicable relevant policies of the Newport Beach General Plan, such future redevelopment/reuse of the City Hall property would neither breach the horizon nor compromise ocean views from either of the three designated Public View Points. Therefore, potential visual impacts from the Cliff Drive Park area would be less than significant; no mitigation measures are required.

However, the view point on Newport Boulevard located approximately 1,050 feet north of the project site is intended to preserve the views from the Arches Bridge to the harbor to the east. The project site is southerly of this location. As a result, the City Hall Complex site is presently not within sight of that view point given intervening development east of Newport Boulevard. A taller building will be visible above that intervening development; however, there are no scenic views that will be affected (i.e. no bay, ocean or harbor views, no beach views, no landmark buildings). The same can be said of views from Cliff Drive Park. The City Hall Complex site is undistinguishable in the views from Cliff Drive. Several tall buildings currently exist within this view shed. Although a taller building constructed on the project site will be visible from these vantages, it will not significantly diminish a scenic element within the view due to the distance and the negligible effect on the viewshed.

As previously indicated, future redevelopment/reuse of the City Hall Complex property must comply with the design guidelines prescribed in the Lido Village Design Guidelines, which are intended to establish a unified aesthetic character and visual quality within the Lido Village neighborhood. As indicated in that document, "the site has a strong visual connection on the Village with a connection to the beach at 32nd Street. Specific architectural and landscape parameters are included in that plan to ensure that the "unified" aesthetic character and visual quality desired for the City Hall Complex property are achieved. As reflected in the document, "[I]mprovements should feature enhanced public spaces with a pedestrian focus. Major roadways should be improved, reinforcing pedestrian connectivity to the rest of the Village. New buildings should also relate to the mix of uses of the surrounding parcels." As a result, no significant impacts to an existing scenic vista would occur.

In addition, the City Hall Complex property is located within the "Shoreline Height Limitation Zone," which regulates building heights in an effort to protect coastal views. The shoreline height limitation is 35 feet, although it does allow for taller buildings and structure heights up to 55 feet subject to further review and approval. However, as indicated in the project description, the City is proposing to modify CLUP policy 4.4.2-1 to establish the maximum building height to be 55 feet with architectural features up to 65 feet in height; however, this maximum building height would apply only to the City Hall Complex property and no other properties within the Shoreline Height Limitation Zone. As a result, the City is maintaining the shoreline height limitation in the remainder of the Shoreline Height Limitation Zone. The higher building height on the City Hall Complex property would allow for the desired intensity of development in accordance with the goals and objectives of the long-range plans identified in the Lido Village Design Guidelines as reflected in the following goal: "Provide for increased building heights on the City Hall Site with emphasis on mixed use zoning." As a result, the increase building height would be consistent with this goal. Implementation of other design guidelines would minimize any visual impacts that may be associated with the higher intensity development. Compliance with these guidelines would reduce such potential visual impacts to a less than significant level.



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Exhibit 4.1-8
 Photograph Location Key Map - East of Newport Boulevard



View from Site 7

Exhibit 4.1-9
View from Site 7

View from Site 8



Exhibit 4.1-10
View from Site 8

View from Site 9



Exhibit 4.1-11
View from Site 9



Exhibit 4.1-8

Photograph Location Key Map (East of Newport Boulevard)



Exhibit 4.1-9

Photograph Location No. 7



Exhibit 4.1-10

Photograph Location No. 8



Exhibit 4.1-11

Photograph Location No. 9



However, the City adopted several policies intended to enhance existing neighborhoods, districts, and corridors, allowing for re-use and infill with uses that are complementary in type, form, scale, and character. In addition, other General Plan policies are intended to improve aesthetics in these areas through both redevelopment and incentives for others to improve maintenance, including those that provide for improved visual image and quality, the restoration and enhancement of visual quality in visually degraded areas, where feasible, and the provision of view easements or corridors designed to protect public views or to restore public views in developed areas, where appropriate.

Mitigation Measures

MM 4.1-1 *Future redevelopment/reuse of the City Hall Complex property shall reflect the architecture, landscape architecture, lighting and all applicable related guidelines established for the subject site by the Lido Village Design Guidelines. Prior to approval of a future project for redevelopment/reuse of the City Hall Complex property, the applicant shall submit development plans that comply with the Lido Village Design Guidelines applicable to the City Hall Complex property.*

4.1(b) *Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?*

No Impact. Although SR-1 (Coast Highway) is identified by the City of Newport Beach as eligible for State Scenic Highway designation, currently, there are no official state scenic highways within the City boundaries. West Coast Highway north of the City Hall Complex property is designated as a “Coastal View Road” Within the City’s General Plan. However, as previously indicated, the project site is not located on Coast Highway and is not visible from Coast Highway and redevelopment of the site would not directly affect views to or from Coast Highway, despite the proposed increase in building height. The redevelopment/reuse of the City Hall property would not directly result in any physical changes to existing scenic resources identified in the City and, therefore, would not substantially affect scenic resources within a designated State scenic highway. Furthermore, the future redevelopment/reuse of the City Hall Complex property pursuant to the proposed project would not result in any potentially significant impacts to other important scenic resources, including trees, rock outcroppings, and/or historic buildings (the existing City Hall complex does not include any structures that are either not designated as historic or eligible for listing as an historic structure). As specified in the General Plan Update EIR, all new development anticipated to occur pursuant to the adopted long-range plans for City, would be subject to the adopted Land Use Element and Natural Resources Element policies, including design in accordance with the Lido Village Design Guidelines, developed to protect the City’s visual resources. Therefore, no potentially significant visual/aesthetic impacts are anticipated to occur as a result of the implementation of the proposed General Plan and Coastal Land Use plan Amendments and Zone Change.

Mitigation Measures

Implementation of MM 4.1-1 will ensure that the project design complies with the visual quality and aesthetic character desired by the City for the subject property.

4.1(c) *Substantially degrade the existing visual character or quality of the site and its surroundings?*

Less Than Significant Impact. Newport Beach is largely urbanized and the existing aesthetic character, which varies depending on geographic area (e.g., airport environs, Newport Coast, Newport Center, Corona Del Mar, West Newport, etc.), has already been established. The existing visual character of the site includes a campus of one- and two-story institutional buildings, parking areas and mature landscaping. Existing buildings range in height from 15 to 30 feet and the site provides landscaped urban open space. Surrounding development is also urbanized. Further development of the site will be urban in character and the City Council has indicated the need to include public plazas and promenades with landscaping to foster pedestrian access, activity centers,



and open space. Although future development that would occur pursuant to the redevelopment/reuse of the Newport Beach City Hall property would alter the existing visual character of the site, the future design and construction of the proposed mixed use development would generally be compatible in scale, design, character, and quality to existing uses because, as indicated in 4.1(a) and 4.1(b), such development and/or redevelopment must comply with the City's existing land use development standards and architectural design guidelines prescribed in the Lido Village Design Guidelines document as well as other City policies and regulations. In addition, all future mixed use development must be consistent with the relevant goals and policies included in the Natural Resources Element of the General Plan. For example, residential development must be well-planned and designed, must contribute to the livability and quality of life of residents, respect the natural environmental setting, and sustain the qualities of place that differentiate Newport Beach as a special place in the Southern California region. In addition, future residential projects would be evaluated to ensure compatibility with the existing character of the area. Finally, all new residential use development that would occur pursuant to the proposed policies and programs included in the Land Use Element and applicable related elements. Similarly, non-residential uses, including the retail or community center uses must also be designed to be consistent with the character of the area, consistent with relevant goals, policies and objectives articulated in the City's General Plan to ensure not only land use compatibility but also visual and aesthetic compatible. Future redevelopment/reuse of the City Hall Complex property will be subject to discretionary review where final plans are reviewed by the Planning Commission and City Council for consistency with relevant plans and policies to ensure compatibility. Therefore, the implementation of the proposed City Hall Reuse project would not result in potentially significant aesthetic impacts. Table 4.1-1 provides a discussion of the compatibility of the proposed land use and zoning changes with the relevant goals and policies of the Natural Resources Element related to visual resources/character.

Table 4.1-1
Consistency Analysis – Natural Resources Element (Visual Resources)
Newport Beach City Hall Reuse Project

Natural Resources Element Goals and Policies	Consistency
Goal 20: Preservation of significant visual resources.	
Protect and, where feasible, enhance significant scenic and visual resources that include open space, mountains, canyons, ridges, ocean, and harbor from public vantage points, as shown in Figure NR3.	The City Hall Complex property would allow for future redevelopment/reuse of the site that exceeds the current intensity of development, including structures up to 55 feet tall, with architectural features up to 65 feet in height. However, development of the property would not significantly affect existing coastal views either from a designated public view point or coastal view road. Furthermore, the project will be designed to comply with the Lido Village Design Guidelines adopted for the City Hall Complex property, which will ensure that such redevelopment/reuse does not compromise the integrity of the visual and aesthetic character of the area, including coastal views.
Require new development to restore and enhance the visual quality in visually degraded areas, where feasible, and provide view easements or corridors designed to protect public views or to restore public views in developed areas, where appropriate.	As indicated above, compliance with the Lido Village Design Guidelines adopted for the project site will enhance the visual quality of the area and protect views through sensitive site design, complementary and compatible architectural styles, circulation improvements, and the integration of appropriate landscaping to soften the development within the overall urban context and achieve the aesthetic goals and objectives of the City.
Protect and enhance public view corridors from the following roadway segments (shown in Figure NR3), and other locations may be identified in the future.	The City Hall Complex property is not generally visible from any of the designated public view corridors identified in Figure N3 in the Natural Resources Element. Public views will from designated viewpoints and/or public view corridors will not be significantly altered by future development of the subject property. As previously discussed, compliance with the design guidelines will protect and enhance views from outlying areas to the site without



Natural Resources Element Goals and Policies	Consistency
Design and site new development, including landscaping, on the edges of public view corridors, including those down public streets, to frame, accent, and minimize impacts to public views.	<p>compromising the visual quality and/or aesthetic character.</p> <p>Public streets that are located in the immediate vicinity of the project site do not provide public views; however, future development of the site consistent with the proposed land use amendments must be found consistent with the Lido Village Design Guidelines and surrounding development. As articulated in the guidelines, “[T]he streets within the Lido Village serve a dual purpose: vehicular and pedestrian movement and an aesthetically pleasing environment to the Village as a whole. Scale and the experience between buildings, pedestrian interfaces, and traffic volumes will be addressed for each level of streetscape design. Because the Village has evolved organically over time without a cohesive master plan, each of the streets has its own unique character and purpose. By addressing the individual elements that compose a streetscape, the streets within Lido Village will be different than other districts, thereby informing residents and visitors that this is a unique place.” For example, the use of planters with colorful landscaping, graphic banners on pole lights, public art, water features, and interactive signage are intended to create a unique environment.</p>
Provide public trails, recreation areas, and viewing areas adjacent to public view corridors, where feasible.	<p>Although the site is not located adjacent to public view corridors, the proposed land use and zoning amendments also include the opportunity to integrate public open space, including plazas, promenades, public art and related features that enhance the aesthetic character of the site. In addition, improvements to the surrounding streets will also improve the visual quality in the areas surrounding the site. As reflected in the Lido Village Design Guidelines, because the streets within the project area (serve a dual purpose (i.e., vehicular and pedestrian movement and an aesthetically pleasing environment to the Village as a whole), the scale and the experience between buildings, pedestrian interfaces, and traffic volumes will be addressed for each level of streetscape design.</p>
Goal 21: Minimized visual impacts of signs and utilities.	
Design and site signs, utilities, and antennas to minimize visual impacts.	<p>It is anticipated that any future redevelopment/reuse of the City Hall Complex property would incorporate project design features in accordance with the design guidelines prescribed for Lido Village, including those addressing signage, utilities and related project elements. Monumentation and signage integrated into future site development would be used to “ ... announce arrival (into Lido Village), way-finding, interaction, celebration, historical significance, and seasonal decorations.” The project must address these elements as well as walls, lighting, paving, etc., in accordance with the design guidelines established for Lido Village, including:</p> <ul style="list-style-type: none"> ▪ Integrate signage with the design and scale of the architecture. ▪ In buildings with multiple storefronts, a coordinated approach to signage throughout the building is particularly important. Use signs of similar size, proportion, and materials on each store. ▪ Design building identification signs that are durable in the maritime climate, legible, and artful. ▪ Use mounting methods that are permanent and sturdy. ▪ Avoid signs with interchangeable copy unless a permanent mounting method is used for the surround. ▪ Avoid signs that incorporate flashing, motion, exposed neon, or spotlights. ▪ Enhance Village way-finding, with sign artwork and themed directories.



Natural Resources Element Goals and Policies	Consistency
Support programs to remove and underground overhead utilities, in new development as well as existing neighborhoods.	Utilities to the site are currently provided underground and future development will be served by existing underground utilities. Similarly, were economically feasible, it is anticipated that removal and/or undergrounding of overhead utilities would also be incorporated into the project design to enhance the visual quality and aesthetic character not only of the City Hall Complex property but also within the larger Lido Village.
Goal 22: Maintain the intensity of development around Newport Bay to be consistent with the unique character and visual scale of Newport Beach.	
Continue to regulate the visual and physical mass of structures consistent with the unique character and visual scale of Newport Beach.	The architectural guidelines in the Lido Village Design Guidelines address building massing and the need to ensure that site design, and building form and massing do not compromise the intended character of the Village. To this end, future redevelopment/reuse of the City Hall Complex property would integrate a variety of techniques, including well designed and well proportioned buildings, incorporation of landscaping and related features between mixed height structures, using towers and/or other vertical features to accentuate key elements, etc. Integration of these characteristics into future redevelopment/reuse of the property will ensure that such development is consistent with the intent of the visual quality and character of Lido Village.

As indicated in the discussion above, because future redevelopment/reuse of the City Hall Complex property must comply with the relevant land use plans and policies, including the Lido Village Design Guidelines, the visual quality and aesthetic character of the project area would be enhanced; no significant visual impacts would occur.

Mitigation Measures

MM 4.1-2 *Future uses and/or structures proposed for the City Hall Complex property shall comply with all applicable development standards of Section 5.1 (Implementation), the provisions of Part 3 (Site Planning and General Development Standards), and Part 4 (Standards for Specific Land Uses) in the Lido Village Design Guidelines. In addition, future site development shall also comply with other criteria, guidelines, and policies adopted by the City related to the use and development of land.*

MM 4.1-3 Prior to issuance of a grading permit, a Master Landscape Plan shall be submitted to the Director of Community Development, in conjunction with the Master Site/Development Plan for the City Hall Complex property for review and approval. Landscaping shall complement the proposed site design and surrounding streetscape and must also be consistent with the Lido Village Design Guidelines for the City Hall Complex property. All landscaping shall comply with the landscape plant palette prescribed in the Lido Village Design Guidelines.

4.1(d) *Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?*

Less Than Significant Impact. Newport Beach is primarily built-out, including within the immediate project area, which is characterized by a variety of land uses, including multiple-family residential and commercial land uses; therefore, ambient light from urban uses currently exists in the project area. However, the GPEIR concluded new development could create new sources of light and glare that could affect day or nighttime views of adjacent sensitive land uses (i.e., undeveloped lands and residential uses adjacent to commercial or industrial areas).



There are two primary sources of light: light emanating from building interiors that pass through windows and light from exterior sources (i.e., street lighting, parking lot lighting, building illumination, security lighting and landscape lighting). Depending upon the location of the light source and its proximity to adjacent light sensitive uses, light introduction can be a nuisance, affecting adjacent areas and diminishing the view of the clear night sky. Lighting within Lido Village, including the subject property, is intended to enhance and complement the architecture and landscape design elements proposed for the City Hall Complex property. It also provides an additional level of safety and security during evening activities. To that end, the design guidelines require that fixtures and applications be incorporated for specific uses while incorporating uniformity with design theme and character. For example, light poles should include fixtures for banners or seasonal decoration and options for pedestrian-scale lighting as well. Interactive displays or thematic lighting may also be incorporated to add liveliness and energy. Future redevelopment/reuse of the City Hall Complex property, which would incorporate lighting within plazas, courtyards, street scenes, gateways, entries, pedestrian paths, water elements, and building accents, would be required to comply with the guidelines for Lido Village.

Redevelopment/reuse of the subject property would either undergo environmental and design review through the discretionary review process or be reviewed on a project-specific basis for consistency with Newport Beach Zoning Code Outdoor Lighting section with the Zoning Clearance process in order to ensure that such future use of the property would not create a new source of substantial light and glare. Future discretionary development would also be subject to compliance with General Plan policies that address the creation of light and glare from new developments. In particular, Policy LU 5.6.2 specifies the use of non-reflective textured surfaces on building exteriors, as well as avoidance of the use of reflective glass. Policy LU 5.6.3 requires that outdoor lighting be located and designed to prevent spillover onto adjoining properties or significantly increase the overall ambient illumination of their location. In addition, Policies LU 6.1.3 and 6.2.5 allow for the integration of uses to be designed specifically to assure development compatibility by addressing issues such as lighting.

In addition to the policies articulated in the Newport Beach Land Use Element, the future uses proposed for the City Hall Complex property must also comply with the lighting standards and guidelines included in the Lido Village Design Guidelines as reflected below.

- Select pedestrian-scaled light fixtures appropriate to building type and location.
- Use soft, even lighting fixtures for illuminating entries and signage to avoid harsh shadows and high contrast.
- Choose durable materials such as powder-coated or galvanized steel.
- Use energy efficient lighting fixtures such as LEDs and compact fluorescent (CFL) bulbs.
- Reduce excessive use of outdoor flood lighting by shielding fixtures or directing light downward.
- Install solar-powered fixtures where practical.
- Consider use of photocell fixtures to detect dusk and dawn.

Therefore, since future development would undergo project-specific review, be regulated by the adopted zoning district regulations, and be subject to compliance with General Plan policies and the Lido Village Design Guidelines, impacts from daytime glare, ambient nighttime lighting, and potential spillover from new development would be less than significant.

Mitigation Measures:

MM 4.1-4 Prior to the issuance of the first building permit for development proposed within the City Hall Complex property, the project Applicant shall submit for approval a lighting plan that shall incorporate a “dark sky” lighting system and its components into the Project design. The lighting plan shall be approved by the City of Newport Beach Community Development Director. The lighting plan shall incorporate electrical plans and structural plans that detail the provision of lighting systems for exteriors of all buildings, parking lots, loading areas, walkways, public use areas, any public art displays, fountains, or landscape areas. Lighting



within the development shall be directed and shielded so that light does not spill into adjacent development. Floodlamp shielding and/or sodium bulbs shall be used in developed areas to reduce the amount of stray lighting into off-site. No skyward-casting lighting shall be used. Final lighting orientation and design shall be in accordance with the “dark sky” lighting standards as defined by the Illuminating Engineering Society of North America (IESNA) and shall reduce the impacts of new light sources to the extent feasible as determined by the Community Development Director or his/her designated representative. Prior to final inspection or issuance of a certificate of occupancy, where applicable, the City shall cause to be performed a photometric field survey to verify the proper construction and installation of materials within the approved plan; determine the actual light patterns and values through light meter testing and observation; and determine the extent of any errant lighting. Deviations and/or violations shall be corrected prior to the final occupancy of future development.

4.2 AGRICULTURE AND FOREST RESOURCES

<i>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:</i>	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				■
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?				■
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				■
d. Result in the loss of forest land or conversion of forest land to non-forest use?				■
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				■



Impact Analysis

4.2(a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

No Impact. There is no designated Prime Farmland, Unique Farmland or Farmland of Statewide Importance located within the City of Newport Beach. Furthermore, the subject property is not currently used for agricultural production. Therefore, project implementation would not result in the conversion of farmland to non-agricultural use. No impacts will occur as a result of project implementation and no mitigation measures are required.

Mitigation Measures: No mitigation is required.

4.2(b) Conflict with existing zoning for agricultural use or a Williamson Act contract?

No Impact. There are no existing Williamson Act Contracts covering property within the City of Newport Beach, including the existing City Hall Complex property. Since there are no agricultural uses or Williamson Act contracts present in the City, project implementation would not result in any significant impacts to potential agricultural uses. Therefore, no mitigation measures are required.

Mitigation Measures: No mitigation is required.

4.2(c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

No Impact. There is no zoning for forest land in the City of Newport Beach and no areas within the City are classified as forest or timberland as defined by PRC section 4526. Therefore, project implementation would not conflict with existing zoning for, or cause rezoning of, any forest or timberland. No significant impacts would occur and no mitigation measures are required.

Mitigation Measures: No mitigation is required.

4.2(d) Result in the loss of forest land or conversion of forest land to non-forest use?

No Impact. As indicated above, there are no forest lands present either on the subject property or in the City. Therefore, project implementation would not result in the loss of forest land or conversion of forest land to non-forest use. No impacts would occur and no mitigation measures are required.

Mitigation Measures: No mitigation is required.

4.2(e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

No Impact. As previously indicated, no important farmland, agricultural activity, or forest and/or timberlands exist within the City of Newport Beach. Therefore, the proposed project would not result in environmental changes that would convert farmland to non-agricultural uses or forest land to non-forest uses. No impacts would occur and no mitigation measures are required.

Mitigation Measures: No mitigation is required.



4.3 AIR QUALITY

<i>Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:</i>	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Conflict with or obstruct implementation of the applicable air quality plan?			■	
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			■	
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			■	
d. Expose sensitive receptors to substantial pollutant concentrations?			■	
e. Create objectionable odors affecting a substantial number of people?			■	

The City of Newport Beach is part of the South Coast Air Basin (SCAB) and is under the jurisdiction of the South Coast Air Quality Management District (SCAQMD). The SCAQMD’s current guidelines and emission thresholds are established in the CEQA Air Quality Handbook. Air quality assessments estimate emissions of air pollutants associated with short-term construction and long-term operation of a proposed project. Both the State of California and the Federal government have established health-based Ambient Air Quality Standards (AAQS) for the following six criteria air pollutants: carbon monoxide (CO); ozone (O₃); nitrogen oxides (NO_x); sulfur oxides (SO_x); particulate matter up to 10 microns in diameter (PM₁₀); and lead (Pb). O₃ (smog) is formed by a photochemical reaction between NO_x and reactive organic compounds (ROCs). Thus, evaluating impacts from NO_x and ROCs assesses impacts from O₃. The net increase in pollutant emissions determines the impact on regional air quality as a result of a proposed project. The results also allow the local government to determine whether a proposed project would deter the region from achieving the goal of reducing pollutants in accordance with the air quality management plan (AQMP) in order to comply with Federal and State AAQS.

Construction Emission Thresholds

The following CEQA significance thresholds for construction emissions have been established for the SCAB:

- 75 pounds per day (lbs/day) or 2.5 tons per quarter-year of VOCs;
- 100 lbs/day or 2.5 tons per quarter of NO_x;
- 550 lbs/day or 24.75 tons per quarter of CO;
- 150 lbs/day or 6.75 tons per quarter of PM₁₀; and
- 150 lbs/day or 6.75 tons per quarter of SO_x.

In the SCAB, project construction-related emissions that exceed any of the above emission thresholds are considered to be a significant impact under the SCAQMD guidelines.



Operational Emission Thresholds

Project operational emissions that exceed any of the thresholds listed below are considered to be a significant impact under the SCAQMD guidelines:

- 55 lbs/day of VOCs
- 55 lbs/day of NO_x
- 550 lbs/day of CO
- 150 lbs/day of PM₁₀
- 150 lbs/day of SO_x

Impact Analysis

4.3(a) Conflict with or obstruct implementation of the applicable air quality plan?

Less Than Significant Impact. Consistency with the *2007 Air Quality Management Plan for the South Coast Air Basin (2007 Air Quality Management Plan)* means that a project is consistent with the goals, objectives, and assumptions in the respective plan to achieve the Federal and State air quality standards. Per the SCAQMD *CEQA Air Quality Handbook*, there are two main indicators of a project's consistency with the applicable Air Quality Management Plan:

- Whether the project would increase the frequency or severity of existing air quality violations or cause or contribute to new violations, or delay timely attainment of air quality standards or the interim emission reductions specified in the *2007 Air Quality Management Plan*.
- Whether the project would exceed the *2007 Air Quality Management Plan's* assumptions for 2030 or yearly increments based on the year of project buildout and phasing.

The City is located within the South Coast Air Basin, which is within the jurisdiction of the South Coast Air Quality Management District (SCAQMD). This area has some of the highest concentrations of air pollutants in the nation and has been classified as a nonattainment area for ozone and fine particulate matter (PM₁₀) by the federal government and the State of California. A project is deemed inconsistent with air quality plans if it results in population and/or employment growth that exceeds growth estimates in the applicable air quality plan.

Additionally, policies in the Newport Beach General Plan encourage new housing development around activity centers, which would reduce vehicle miles traveled and, therefore, help to minimize air quality impacts. Although implementation of the proposed project, which includes a combination of up to 99 residential dwelling units within and/or retail development, a hotel, a community center, and open space would result in increased housing that is not currently reflected or analyzed in the 2007 AQMP. However, it is anticipated that given the relationship of the proposed mixed use development within an "activity center", a reduction of vehicle miles traveled would occur. When compared to the analysis included in the City's General Plan, the project-related emissions would be roughly similar to the emissions that would be generated based on buildout of the General Plan, and would not, therefore, conflict with the adopted air quality plan.

Future redevelopment/reuse of the City Hall Complex would also be subject to compliance with General Plan policies that would promote consistency with the AQMP (i.e., use of transit, reduce the number of vehicle trips and miles traveled, and create opportunities to walk and bike to work or shop). In particular, Policy LU 3.3 identifies opportunities for mixed use development with expanded opportunities for residents to live close to jobs, commerce, entertainment, and recreation, and is supported by a pedestrian-friendly environment. Policy LU 6.14.5 encourages improved pedestrian connections and streetscape amenities, and Policy LU 6.15.9 allows the development of multi-family residential units and mixed-use buildings that integrate residential with commercial uses. Policies NR6.1, NR6.2, and NR6.3 would reduce vehicle trips through land use planning



through mixed-use development or siting of amenities in proximity to residential or employment areas. Additionally, Policies NR 6.4 and NR 6.5 would promote Transportation Demand Management programs, which encourage the use of alternative transportation modes, and promote mass transit use. Given that future development would undergo project-specific review, be regulated by the adopted zoning district regulations for the affected residential land use district, and be subject to compliance with General Plan policies, impacts involving consistency with the AQMP would be less than significant.

Mitigation Measures: No mitigation is required.

4.3(b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Less Than Significant Impact. The proposed land use and zoning amendments do not include a specific development project, but instead, only provides a framework for the future redevelopment/reuse of the City Hall Complex property. Future residential development that would occur pursuant to the proposed General Plan and CLUP Amendments and Zone Change would primarily occur as infill and redevelopment/reuse of the subject property. However, construction activities would generate pollutant emissions, including but not limited to demolition, site grading, operation of construction equipment, and mobile- and stationary-source emissions associated with future reuse of the site. Future redevelopment/reuse permitted that would occur pursuant to the proposed land use and zoning amendments would include a mix of residential, retail, hotel, community center, and open space, would also generate pollutant emissions from stationary equipment, new vehicular trips, off-site power and natural gas generation, etc. As the proposed land use and zoning amendments encompasses a programmatic project, no emissions would occur as a direct result of the administrative changes proposed by the City. However, potential future emissions were estimated and are shown in Table 4.3-1 and Table 4.3-3 below. Neither short-term construction-related emissions nor long-term operational emissions would exceed existing SCAQMD significance thresholds for such redevelopment/reuse of the site.

Table 4.3-1

**Construction Activity Emissions Estimates
Newport Beach City Hall Reuse Project**

Maximum Construction Emissions	ROG (lbs/day)	NOx (lbs/day)	CO (lbs/day)	SO ₂ (lbs/day)	PM ₁₀ (lbs/day)	PM _{2.5} (lbs/day)	CO _{2e} (lbs/day)
Apartments and Retail							
2013 Unmitigated	5.8	45.1	28.5	0.1	11.3	5.3	5,168.3
2013 Mitigated	5.8	45.1	28.5	0.1	8.6	5.3	5,168.3
2014 Unmitigated	37.9	2.9	2.8	0.0	0.5	0.3	461.3
2014 Mitigated	37.9	2.9	2.8	0.0	0.3	0.3	461.3
SCAQMD Thresholds	75	100	550	150	150	55	--
Exceeds Thresholds (Yes/No)	No	No	No	No	No	No	--
Apartments							
2013 Unmitigated	39.3	45.1	28.5	0.1	11.3	5.3	5,168.2
2013 Mitigated	39.3	45.1	28.5	0.1	8.6	5.3	5,168.2
2014 Unmitigated	39.2	2.9	2.8	0.0	0.5	0.3	449.3
2014 Mitigated	39.2	2.9	2.8	0.0	0.3	0.3	449.3
SCAQMD Thresholds	75	100	550	150	150	55	--
Exceeds Thresholds	No	No	No	No	No	No	--



Maximum Construction Emissions (Yes/No)	ROG (lbs/day)	NOx (lbs/day)	CO (lbs/day)	SO ₂ (lbs/day)	PM ₁₀ (lbs/day)	PM _{2.5} (lbs/day)	CO _{2e} (lbs/day)
Hotel							
2013 Unmitigated	10.0	80.1	47.5	0.1	22.3	13.9	8,764.9
2013 Mitigated	10.0	80.1	47.5	0.1	22.0	13.9	8,764.9
2014 Unmitigated	67.8	37.6	32.2	0.1	4.0	2.8	6,110.7
2014 Mitigated	67.8	37.6	32.2	0.1	2.8	2.8	6,110.7
SCAQMD Thresholds	75	100	550	150	150	55	--
Exceeds Thresholds (Yes/No)	No	No	No	No	No	No	--
Hotel and Apartments							
2013 Unmitigated	10.0	80.1	47.5	0.1	22.3	13.9	8,764.9
2013 Mitigated	10.0	80.1	47.5	0.1	22.0	13.9	8,764.9
2014 Unmitigated	72.0	37.5	33.8	0.1	4.4	2.8	6,415.1
2014 Mitigated	72.0	37.5	33.8	0.1	2.8	2.8	6,415.1
SCAQMD Thresholds	75	100	550	150	150	55	--
Exceeds Thresholds (Yes/No)	No	No	No	No	No	No	--
SOURCE: CalEEMod.2011.1.1							

The existing municipal office use of the subject property currently generates air pollutants associated with both stationary and mobile sources. Table 4.3-2 summarizes the daily operational impacts of the existing City Hall Complex. As indicated in the estimated values, none of the existing pollutant emissions associated with the municipal office use exceed SCAQMD thresholds.

Table 4.3-2

**Existing (2012) Daily Operational Emissions
 Newport Beach City Hall Reuse Project**

Source	ROG (lbs/day)	NOx (lbs/day)	CO (lbs/day)	SO ₂ (lbs/day)	PM ₁₀ (lbs/day)	PM _{2.5} (lbs/day)	CO _{2e} (lbs/day)
Area	1.4	0.0	0.0	0.0	0.0	0.0	0.0
Energy	0.0	0.1	0.1	0.0	0.0	0.0	167.9
Mobile	4.8	8.8	47.2	0.1	8.0	0.6	6,786.3
Total	6.3	8.9	47.3	0.1	8.0	0.6	6,954.3
SCAQD Threshold	55	55	550	150	150	55	--
Exceeds Threshold (Yes/No)	No	No	No	No	No	No	--
SOURCE: CalEEMod.2011.1.1							

Operational air pollutant emissions anticipated to occur as a result of potential future redevelopment/reuse of the City Hall Complex based on the same development scenarios are summarized in Table 4.3-3. As indicated in the table, neither the total nor net increases in air pollutant emissions estimated to occur as a result of



implementing any of the alternative redevelopment/reuse scenarios would exceed the adopted SCAQMD significance thresholds. Therefore, no significant impacts would be expected to occur as a result of future redevelopment/reuse of the City Hall Complex property in accordance with the proposed land use and zoning amendments. Therefore, future project-related impacts would be less than significant.

Table 4.3-3

**Estimated Daily Operational Emissions
 Newport Beach City Hall Reuse Project**

Maximum Construction Emissions	ROG (lbs/day)	NOx (lbs/day)	CO (lbs/day)	SO₂ (lbs/day)	PM₁₀ (lbs/day)	PM_{2.5} (lbs/day)	CO_{2e} (lbs/day)
Apartments and Retail							
Area	13.4	0.6	41.2	0.1	5.3	5.3	2,567.2
Energy	0.0	0.3	0.1	0.0	0.0	0.0	394.4
Mobile	6.3	12.0	64.2	0.1	13.4	1.0	11,326.6
Total	19.8	12.9	105.6	0.2	18.7	6.3	14,288.0
Existing City Hall Emissions	6.3	8.9	47.3	0.1	8.0	0.6	6,954.3
Net Total Increase	13.5	4.0	58.3	0.1	10.7	5.7	7,333.7
SCAQMD Thresholds	75	100	550	150	150	55	--
Exceeds Thresholds (Yes/No)	No	No	No	No	No	No	--
Apartments							
Area	13.1	0.6	41.2	0.1	5.3	5.3	2,567.1
Energy	0.0	0.3	0.1	0.0	0.0	0.0	384.4
Mobile	3.6	7.1	38.0	0.1	8.1	0.6	6,852.6
Total	16.7	8.0	79.3	0.2	13.4	5.9	9,804.1
Existing City Hall Emissions	6.3	8.9	47.3	0.1	8.0	0.6	6,954.3
Net Total Increase	10.4	(0.9)	32.0	0.1	5.4	5.3	2,849.8
SCAQMD Thresholds	75	100	550	150	150	55	--
Exceeds Thresholds (Yes/No)	No	No	No	No	No	No	--
Hotel							
Area	5.7	0.0	0.0	0.0	0.0	0.0	0.0
Energy	0.2	2.1	1.7	0.0	0.1	0.2	2,526.4
Mobile	5.6	10.6	56.7	0.1	11.8	0.9	9,967.4
Total	11.5	12.7	58.4	0.1	11.9	1.1	12,496.8
Existing City Hall Emissions	6.3	8.9	47.3	0.1	8.0	0.6	6,954.3
Net Total Increase	5.2	3.8	11.1	0.0	3.9	0.5	5,542.5
SCAQMD Thresholds	75	100	550	150	150	55	--
Exceeds Thresholds (Yes/No)	No	No	No	No	No	No	--
Hotel and Apartments							
Area	14.0	0.4	31.3	0.1	4.0	4.0	1,944.8
Energy	0.2	1.8	1.4	0.0	0.1	0.1	2,143.9
Mobile	6.9	13.2	70.3	0.1	14.8	1.1	12,500.8
Total	21.1	15.4	103.0	0.2	18.9	5.2	16,589.5



Maximum Construction Emissions	ROG (lbs/day)	NOx (lbs/day)	CO (lbs/day)	SO ₂ (lbs/day)	PM ₁₀ (lbs/day)	PM _{2.5} (lbs/day)	CO _{2e} (lbs/day)
Existing City Hall Emissions	6.3	8.9	47.3	0.1	8.0	0.6	6,954.3
Net Total Increase	14.8	6.5	55.7	0.1	10.9	4.6	9,635.2
SCAQMD Thresholds	75	100	550	150	150	55	--
Exceeds Thresholds (Yes/No)	No	No	No	No	No	No	--
SOURCE: CalEEMod.2011.1.1							

Nonetheless, future discretionary redevelopment/reuse would undergo project specific environmental and/or development review on a project-specific basis based upon the requirements established within the zoning district regulations in order to determine air emissions and potential violations of air quality standards. Additionally, redevelopment/reuse of the City Hall Complex property would also be subject to applicable SCAQMD rules and requirements as well as compliance with General Plan policies that would help reduce short- and long-term air pollutant emissions. General Plan Policies NR 6.1 through 6.9 are intended to reduce mobile source emissions, Policies NR 7.1 to 7.4 are intended to reduce air emissions from stationary sources, Policy NR 8.1 is intended to reduce air emissions from construction activities, and Policies LU 5.3.1 to 5.3.3, LU 6.14.5, and 6.15.9 are intended to reduce vehicle miles traveled by promoting mixed-use districts, including within residential land use districts. Given that future redevelopment/reuse would undergo project-specific review, would be regulated by the Newport Beach Zoning Code development standards, and be subject to compliance with General Plan policies, impacts resulting from short- and long-term air pollutant emissions would be less than significant.

Mitigation Measures: No mitigation is required.

4.3(c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?

Less Than Significant Impact. Refer to Response 4.3(b).

Mitigation Measures: No mitigation is required.

4.3(d) Expose sensitive receptors to substantial pollutant concentrations?

Less Than Significant Impact. Sensitive receptors are defined as facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. Examples of these sensitive receptors are residences, schools, hospitals, and daycare centers. CARB has identified the following groups of individuals as the most likely to be affected by air pollution: the elderly over 65, children under 14, athletes, and persons with cardiovascular and chronic respiratory diseases such as asthma, emphysema, and bronchitis.

Sensitive receptors are located throughout the City. To identify impacts to sensitive receptors, the SCAQMD recommends addressing localized significance thresholds for construction and operations impacts, as well as a carbon monoxide hot-spots analyses.

The construction of individual projects could potentially lead to fugitive emissions and other pollutants affecting sensitive land uses. Increased traffic volumes on City streets could also lead to increases in traffic congestion and associated vehicle emissions, which could impact sensitive receptors. However, the GPEIR



concluded sensitive receptors within the City would not be exposed to substantial pollutant concentrations, and the potential impacts of General Plan implementation would be less than significant. Although the proposed land use and zoning amendments do not include a specific development project, potential impacts from future redevelopment/reuse of the City Hall Complex that would occur pursuant to the land use and zoning amendments involving potential exposure of sensitive receptors to substantial pollutant concentrations were anticipated in the GP/GPEIR.

Future discretionary development would undergo environmental and/or development review on a project-specific basis based upon the requirements established within the General Plan and other adopted plans and programs in order to determine pollutant concentrations. More specifically, future development may be required to prepare an air quality analysis that evaluates the air emission impacts during construction. The SCAQMD requires a quantified assessment of a CO hot-spot when a project increases the volumes to capacity ratio (also called the intersection capacity utilization) by 0.02 (two percent) for any intersection with an existing level of service (LOS) D or worse. The traffic generation projections for a variety of land use scenarios revealed that a.m. and p.m. peak hour volumes generated for future redevelopment/reuse of the City Hall Complex property would be less when compared to the a.m. and p.m. peak hour volumes resulting from the existing municipal office-related traffic. As a result, it is anticipated that CO hot-spot concentrations would be reduced when compared to the existing concentrations; therefore, no potential impacts involving the exposure of sensitive receptors to substantial pollutant concentrations are anticipated to occur as a result of project implementation.

Mitigation Measures: No mitigation is required.

4.3(e) Create objectionable odors affecting a substantial number of people?

Less Than Significant Impact. Odors are one of the most obvious forms of air pollution to the general public. Although offensive odors seldom cause physical harm, they can be a nuisance to the general public. Most people determine an odor to be offensive (objectionable) if it is sensed longer than the duration of a human breath, typically two to five seconds. The SCAQMD handbook states that land uses associated with odor complaints typically include agricultural uses, wastewater treatment plants, food processing plants, chemical plants, composting, refineries, landfills, dairies, and fiberglass molding. Future discretionary development projects would be required to prepare a project specific air quality analysis. An odor assessment would be required as part of the air quality analysis should the proposed development have the potential to create objectionable odors.

The proposed land use and zoning amendments do not include a specific development project, but instead, only provides a framework for the City's anticipated future redevelopment/reuse of the City Hall Complex property. The construction activity from future redevelopment/reuse that would occur pursuant to the proposed General Plan and CLUP Amendments and Zone Change may generate detectable odors from heavy-duty equipment exhaust during construction. Construction-related odors would be short-term in nature and cease upon project completion. The proposed land use amendments also do not include uses that are typically associated with objectionable odors. Additionally, the GPEIR concluded General Plan implementation would not create objectionable odors affecting a substantial number of people within the City and potential impacts would be less than significant. Since future redevelopment/reuse of the property would not create odors or emissions beyond those identified and described in the GPEIR, implementation of future mixed use project on the City Hall Complex property would be consistent with the analysis presented in the GPEIR, and would result in no greater impacts than previously identified and evaluated in that document. Given that future redevelopment/reuse would undergo project-specific review, potential impacts involving the creation of objectionable odors would be less than significant.

Mitigation Measures: No mitigation is required.



4.4 BIOLOGICAL RESOURCES

<i>Would the project:</i>	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			■	
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				■
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				■
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				■
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?		■		
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				■

Impact Analysis

4.4(a) *Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

Less than Significant Impact. Sensitive habitat within the City consists of Diegan Coastal Sage Scrub, Riparian Habitat, and Native Grasslands. According to the California Native Diversity Database (CNDDDB) search conducted for the GPEIR, the City has the potential for 78 special status wildlife species and 33 plant species. However, not all of these species are found within the City due to the lack of suitable habitat. Furthermore, none of those special habitats and/or habitats occur on the City Hall property.

Since future redevelopment/reuse of the existing City Hall property would occur as infill and redevelopment, project implementation is not anticipated to have a substantial adverse effect on any species identified as a candidate, sensitive, or special status because the subject property is devoid of any native habitat in its developed condition. The project site is characterized by buildings comprising the City Hall Complex and supports only introduced landscaping that complements the existing municipal office development.



Implementation of the proposed project would not result in the direct removal of any sensitive vegetation communities or plant or animal species, because no such habitat and/or species exist on the subject property. The potential removal of mature trees that may provide nesting habitat could affect avian species protected under the Migratory Bird Treaty Act (MBTA); however, as prescribed in the GPEIR, redevelopment of the site would be required to comply with the MBTA as well as with General Plan policies that would reduce potential impacts on avian species. No significant impacts to candidate, sensitive, and special status species would occur; furthermore, given that development of the site would undergo subsequent review and be subject to compliance with Federal/State and General Plan policies, any potential impacts to avian species protected under the MBTA would be avoided through compliance with the requirements of the MBTA.

Mitigation Measures: No mitigation is required.

4.4(b) *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

No Impact. Riparian habitat is known to occur in various locations in the City; however, no such habitat exists within the limits of the City Hall Complex property, which has been substantially altered as a result of past grading and development of the site. Therefore, project implementation would not have a substantial adverse effect on any riparian habitat. Moreover, implementation of the proposed project would not result in the direct removal of riparian or other sensitive habitats, because, as previously discussed, the subject site does not support any sensitive habitat, including riparian habitat and/or species. Redevelopment/reuse of the site as contemplated by the City of Newport Beach would not be subject to compliance with either Section 404 of the Clean Water Act or the Section 1600 of the California Fish and Game Code, which regulate the alteration of riparian vegetation. No significant impacts to riparian habitat will occur and, furthermore, no conflicts with regional and/or local plans and policies related to important biological resources will occur as a result of project implementation; no mitigation measures are required.

Mitigation Measures: No mitigation is required.

4.4(c) *Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

No Impact. As indicated above, the project site has been altered by grading necessary to accommodate the existing Newport Beach City Hall Complex and, therefore, does not currently support any federally protected wetlands, including marshes, vernal pools, etc.). Redevelopment/reuse of the site with mixed uses, including residential and retail development or a community center, a hotel, and public open space will require that the existing structures be demolished. Subsequently, site preparation necessary to accommodate the proposed mixed of residential, retail, hotel, and community center/public open space uses would occur, and the site would be developed in the future consistent with the proposed land use designations and zoning standards. However, no direct or impacts to protected wetland resources will occur because none exist on the project site. No impacts to wetland resources will occur and no mitigation measures are required.

Mitigation Measures: No mitigation is required.

4.4(d) *Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

No Impact. The Newport Beach City Hall Complex site and environs are intensively developed and do not currently provide an avenue for wildlife movement in the area. No open space areas are located in the vicinity of the project site that accommodate wildlife movement or serve as a wildlife corridor. Therefore, project



implementation, which would allow for redevelopment/reuse of the City Hall Complex property with a mix of residential, retail, hotel, and a community center/open space uses would not result in any impacts to migratory wildlife species or corridors or the movement of any native resident or migratory fish or wildlife species. Furthermore, such redevelopment/reuse of the site would also not impede the use of native wildlife nursery sites. No impacts will occur and no mitigation measures are required.

Mitigation Measures: No mitigation is required.

4.4(e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Less Than Significant with Mitigation Incorporated. Redevelopment of the subject property as proposed by the City of Newport Beach would not result in any significant impacts to important biological resources, as previously indicated. Nonetheless, where applicable, such redevelopment would be subject to all applicable federal, state, and local policies and regulations related to preservation of biological resources.

Six “special trees” have been identified by the City of Newport Beach in a recent document.² Two Ficus microcarpa “Nitida” trees are located between Newport Boulevard and City Hall buildings. A Ficus benjamina tree was dedicated to William Lawrence Covert in 1964. William Covert was a long-time City employee who served as the City’s tree superintendent and General Services Director in the 1950s and 1960s. According to the City Arborist, the species is a reasonable candidate for relocation if proper care is taken and a tree may survive transplantation. In addition, a Pinus halepensis tree was dedicated to Walter Knott, the co-founder of Knott’s Berry Farm, in 1961. The tree is not in pristine growing condition due to age, past pruning, and the proximity the adjacent pine tree. The City Arborist has indicated that because the species is not a good candidate for relocation it would not likely survive. A Pinus halepensis tree was also dedicated for the California Bicentennial. No dedication plaque remains. Again, the species is not a good candidate for relocation as the tree would not likely survive. A Harpephyllum kaffrum was dedicated for the United States Bicentennial in 1976 and it is named “The Freedom Tree.” The tree is in a good growing condition; however, the species is not a good candidate for relocation as it would not likely survive transplantation according to the City Arborist.

Future redevelopment/reuse of the City Hall Complex property would result in the potential loss of these “special trees” designated by the City of Newport Beach if not avoided. Specific local regulations consist of Council Policy G-1, *Retention or Removal of City Trees*; however, Council Policy G-1 designates Ficus microcarpa “Nitida” and the Ficus benjamina as “problem trees” because of excessive hardscape or utility damage due to its excessive root system. In addition to Council Policy G-1, the Newport Beach Municipal Code (NBMC) Chapter 7.26, *Protection of Natural Habitat for Migratory and Other Waterfowl* also provide guidance for tree maintenance and preservation. Future development would be subject to compliance with General Plan Policies NR 10.1 and NR 10.3, which would serve to ensure that all future development cooperates with the regulatory framework and complies with applicable policies and programs, as well as all policies specified in GPEIR Section 4.3, *Biological Resources*, which are intended to protect biological resources. In addition, any removal of mature trees or vegetation that could serve as nesting habitat would be subject to the conditions prescribed in the MBTA that ensure the protection of avian species during the nesting species. Measures have been identified by the City to mitigate the potential loss of these “special trees.”

Mitigation Measures

MM 4.4-1 Prior to the approval of future development of the City Hall Complex property, the City shall develop a Tree Management Program that would include the removal, relocation or preservation of all existing trees or landscape materials. The removal or relocation of designated Special Trees shall be subject to Council Policy G-1 and Parks, Beaches, and Recreation Commission or City Council approval.

²“Special Trees – City Hall Complex,” City of Newport Beach (November 16, 2012).



- MM 4.4-2 Every effort should be taken to avoid significantly impacting the two Landmark Trees. Should future development of the site put the Landmark Trees in jeopardy, the trees should be transplanted to an acceptable location on-site provided there are located to minimize future damage to hardscape or underground utility systems. As an alternative, the trees can be relocated to an appropriate off-site location. In the event that the trees do not remain on-site, the City should consider planting two replacement specimen trees of any variety on-site that would be eligible to be designated as Landmark Trees.
- MM 4.4-3 The City should locate an existing Ficus benjamina tree in a City park and dedicate the tree in the name of William Lawrence “Billy” Covert. Should an appropriate tree not be found, the City will attempt to transplant the existing tree or plant a new tree of the same variety at an appropriate location. The re-dedicated tree should have a permanent marker or plaque. Every effort should be made to involve the Covert family in this process.
- MM 4.4-4 Because the Walter Knott Tree and the California Bicentennial Tree cannot be effectively transplanted, the City should locate an existing tree within a City park and dedicate it in the name of Walter and Cordelia Knott. The City should also locate an existing tree in a prominent location within a City park or at the new Civic Center and dedicate it in honor of the State of California. The re-dedicated trees will have permanent markers and every effort should be made to involve the Knott family and the community in the process.
- MM 4.4-5 Because the Freedom Tree also cannot be effectively transplanted, the City should locate an existing tree in a very prominent location within a City park or at the new Civic Center and dedicate it as The Freedom Tree. An appropriate permanent marker or plaque will be provided and the dedication should be accomplished with community and veterans groups’ participation.
- MM 4.4-6 All other trees or other landscaping should be incorporated on-site within new development to the extent practical. If existing trees or landscaping are not being utilized in new designs, the City should salvage and transplant whatever it deems appropriate and then consider offering remaining salvageable landscaping to the public at auction provided the cost of landscape salvage is the responsibility of the successful bidders.

4.4(f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No Impact. The Central and Coastal Orange County Natural Community Conservation Plan and Habitat Conservation Plan (NCCP/HCP) and the associated Implementation Agreement cover 13 cities, including Newport Beach. Therefore, the City is within jurisdiction of the NCCP/HCP. The purpose of the NCCP/HCP is to create a multi-species, multi-habitat reserve system and implementation of a long-term management program that will protect primarily coastal sage scrub and the species that utilize this habitat. As previously discussed, the project site has been substantially modified by landform alteration and development of the existing City Hall Complex. As such, the 4.26-acre property neither supports any sensitive habitat nor vegetation or wildlife species subject to the provisions of the NCCP/HCP. All of the vegetation on the subject site is introduced landscape varieties and none are considered to be biologically significant. Demolition of the existing development and redevelopment/reuse of the City Hall Complex property as permitted by the Mixed Use land use designation and zoning would not result in any impacts to or conflicts with the NCCP/HCP. No mitigation measures are required.

Mitigation Measures: No mitigation is required.



4.5 CULTURAL RESOURCES

<i>Would the project:</i>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines §15064.5?				■
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?		■		
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		■		
d. Disturb any human remains, including those interred outside of formal cemeteries?		■		

Impact Analysis

4.5(a) Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines §15064.5?

No Impact. *General Plan Environmental Impact Report (GPEIR) Figure 4.4-1, Historic Resources*, illustrates the locations of the 11 properties within the City of Newport Beach that have been listed or designated eligible for listing on the National Register of Historic Places (NRHP) or California Register of Historic Resources (CRHR), or otherwise listed as historic or potentially historic in the California Historic Resources Information System (CHRIS) maintained by the Office of Historic Preservation. The existing City Hall Complex is not included on Figure 4.4-1 in the GPEIR and is not recognized as a historic structure or as having historic significance. Therefore, the proposed redevelopment/reuse would not cause a potentially substantial adverse change in the significance of any historical resource currently identified by the City and/or State or federal agency. Therefore, no impacts to historic resources would occur and no mitigation measures are required.

Mitigation Measures: No mitigation is required.

4.5(b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?

Less Than Significant with Mitigation Incorporated. According to the GPEIR, Newport Beach has had a long cultural history and has been home to Native American groups, since before Euro-American settlement. Due to the historic nature of Newport Beach, archaeological materials have been found during ground-disturbing activities, particularly in areas that have not previously been developed. Moreover, archaeological resources may be present under existing developed sites.

Because the proposed project includes an amendment to the Newport Beach General Plan and Coastal Land Use Plan, it is subject to the Native American consultation process mandated by SB 18. The City of Newport Beach has complied with the requirements of SB 18 by submitting a request to the Native American Heritage Commission (NAHC). In addition, the City also sent a tribal consultation requests to the applicable Native American representatives in compliance with both SB1 8 and Policy No. HR 2.3 that requires notification of cultural organizations. The City has received an inquiry from one tribal representative in response to the SB 18 consultation process. The Native American representative indicated that he could coordinate monitoring services during



grading/construction if it is determined that such monitoring is required. The tribal representative did not indicate any knowledge of the presence of any significant cultural or archaeological resources on the City Hall Complex property.

Project implementation is not anticipated to cause a substantial adverse change in the significance of an archaeological site or resource. Although the proposed land use and zoning amendments would allow for the future demolition of the existing structures and redevelopment/reuse of the City Hall Complex, the City is proposing only administrative changes to the existing long-range plans and programs that would allow for the future reuse of the subject property; neither demolition nor development is currently proposed. Since, the City is primarily a built-out area, it is anticipated that future development permitted in accordance with the proposed land use and zoning changes would generally consist of infill and redevelopment/reuse of the City Hall Complex property. Because the site has already been subject to grading, construction, and disruption, any archaeological resources that may have existed on the project site have likely been disturbed and/or destroyed. Nonetheless, the GPEIR concluded compliance with General Plan policies would ensure impacts to archaeological and Native American cultural resources would be less than significant by requiring the scientific recovery and evaluation of any resources that could be encountered during grading and construction of future development. Development that would occur pursuant to the proposed land use and zoning changes was considered in the GPEIR analysis and there are not proposed changes to the land use designations that would result in increased densities/intensities that were not included in the GP. As such, potential impacts to archaeological resources from future redevelopment/reuse permitted by the proposed long-term plans were anticipated in the GP/GPEIR. Implementation of the proposed land use and zoning amendments would be consistent with the analysis presented in the GPEIR, and would result in no greater impacts than previously identified.

Policy HR 2.1 and Policy NR 18.1 require that any new development protect and preserve archaeological resources from destruction, and that potential impacts to such resources be avoided and minimized through planning policies and permit conditions. Other policies under Goal HR 2 and Goal NR 18 serve to ensure that information resources are maintained regarding these resources; grading and excavation activities where there is a potential to affect cultural or archaeological resources be monitored by a qualified archaeologist; cultural organizations are notified of all developments that have the potential to adversely impact these resources; and that any new development donates scientifically valuable archaeological resources to a responsible public or private institution. Policy HR 2.2 would serve to ensure that sources of information regarding paleontological and archeological sites and the names and addresses of responsible organizations and qualified individuals, who can analyze, classify, record, and preserve paleontological or archeological findings would continue to be maintained. A qualified archeologist would be required to monitor all grading/excavation where there is a potential to affect cultural, archeological or paleontological resources. Given that future redevelopment/reuse would be subject to subsequent review, be regulated by the City's Archaeological Guidelines, and be subject to compliance with General Plan policies, impacts to archaeological resources would be less than significant.

Mitigation Measures

SC 4.5-1 A qualified archaeological/paleontological monitor shall be retained by the project applicant who will be available during the grading and landform alteration phase. In the event cultural resources and/or fossils are encountered during construction activities, ground-disturbing excavations in the vicinity of the discovery shall be redirected or halted by the monitor until the find has been salvaged. Any artifacts and/or fossils discovered during project construction shall be prepared to a point of identification and stabilized for long-term storage. Any discovery, along with supporting documentation and an itemized catalogue, shall be accessioned into the collections of a suitable repository. Curation costs to accession any collections shall be the responsibility of the project applicant.



MM 4.5-1 The City shall provide an opportunity for a Native American representative to monitor excavation activities. The representative shall be determined by the City based on input from concerned Native American tribes (i.e., Gabrielino, Juaneño, and Tongvas).

4.5(c) *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

Less Than Significant with Mitigation Incorporated. Several locations within the City have known significant paleontological resources. These areas include areas underlain by the Vaqueros formation, such as the Newport Coast and the Newport Banning Ranch area, the Topanga and Monterey Formations, and Fossil Canyon in the North Bluffs area. Therefore, any ground-disturbing activities in these areas could potentially result in damage to or destruction of fossils in the formations. Refer to Response 4.5(b).

Mitigation Measures

Refer to MM 4.5-1; no other mitigation measures are required.

4.5(d) *Disturb any human remains, including those interred outside of formal cemeteries?*

Less Than Significant with Mitigation Incorporated. Human burials have been found from time to time in various areas of the City. The burials outside of a formal cemetery have been found in prehistoric archaeological contexts. Project implementation is not anticipated to disturb any human remains since the subject property has been substantially altered by past grading and development. Since, the City is primarily a built-out area, the future redevelopment/reuse of the City Hall Complex property permitted by the proposed land use and zoning changes encompass infill of a developed site that has been subject to extensive disruption and may contain artificial fill materials. Due to the level of past disturbance on the development sites, it is anticipated that human remains, including those interred outside of formal cemeteries, would be not be encountered during the demolition, earth removal, and/or site disturbance activities. Additionally, the GPEIR concluded compliance with existing Federal, State, and local policies would ensure that the General Plan's impact, including such future redevelopment/reuse of the City Hall Complex property on human burial grounds would be reduced to a less than significant level by ensuring appropriate examination, treatment, and protection of human remains, as required by law.

Future ground-disturbing activities, such as grading or excavation, occurring on the subject property have the potential to disturb as yet unidentified human remains. Although unlikely given the altered state of the site, if human remains were found, those remains would require proper treatment, in accordance with applicable laws. State of California Public Resources Health and Safety Code Section 7050.5-7055 describe the general provisions for human remains. Specifically, Health and Safety Code Section 7050.5 describes the requirements if any human remains are accidentally discovered during excavation of a site. As required by State law, the requirements and procedures set forth in Section 5097.98 of the California Public Resources Code would be implemented, including notification of the County Coroner, notification of the Native American Heritage Commission, and consultation with the individual identified by the Native American Heritage Commission to be the "most likely descendant." If human remains are found during excavation, excavation must stop in the vicinity of the find and any area that is reasonably suspected to overly adjacent remains until the County coroner has been called out, and the remains have been investigated and appropriate recommendations have been made for the treatment and disposition of the remains. Compliance with State regulations, which detail the appropriate actions necessary in the event human remains are encountered, potential impacts, would ensure that potential impacts would not occur.

Mitigation Measures

Refer to MM 4.5-1; no other mitigation measures are required.



4.6 GEOLOGY AND SOILS

<i>Would the project:</i>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
1) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				■
2) Strong seismic ground shaking?			■	
3) Seismic-related ground failure, including liquefaction?			■	
4) Landslides?			■	
b. Result in substantial soil erosion or the loss of topsoil?			■	
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			■	
d. Be located on expansive soil, as defined in Table 18-1-B of the California Building Code (2001), creating substantial risks to life or property?			■	
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				■

Impact Analysis

4.6(a)(1) *Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.*

No Impact. The Alquist-Priolo Earthquake Fault Zoning Act was passed in 1972 to mitigate the hazard of surface faulting to structures for human occupancy. The Act’s main purpose is to prevent the construction of buildings used for human occupancy on the surface trace of active faults. The Act requires the State Geologist to establish regulatory zones, known as “Earthquake Fault Zones,” around the surface traces of active faults and to issue appropriate maps. Local agencies must regulate most development projects within these zones. The City of Newport Beach does not have any State-designated Earthquake Fault Zones. As a result, the project site is not located within the limits of or directly affected by a designated active fault. Therefore, future redevelopment/reuse of the site pursuant to the proposed land use and zoning changes would not subject structures, residents and/or occupants of such future development to the risk or loss, injury, or death associated with fault rupture. No impacts are anticipated and no mitigation measures are required.



Mitigation Measures: No mitigation is required.

4.6(a)(2) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?

Less Than Significant Impact. The City is located in the northern part of the Peninsular Ranges Province. This is an area that is exposed to multiple fault zones, such as the Newport-Inglewood fault zone, the Whittier fault zone, the San Joaquin Hills fault zone, and the Elysian park Fault zone. The City would also be subject to movement caused by the San Andreas Fault. Each of these zones has potential to cause ground shaking within the City. Due to the presence of several significant faults, the City is anticipated to experience strong seismic ground shaking. According to the City's *General Plan*, the City has a probability for ground motion values 43 to 50 percent the force of gravity once every 50 years. This is considered to be in the high to very high range for southern California. The intensity of ground shaking would depend upon the magnitude of the earthquake, distance to the epicenter, and the geology of the area between the epicenter and the City.

Although no impacts would occur as a result of the land use and zoning changes, future redevelopment/reuse of the City Hall Complex property with a mix of residential, retail, open space and community center, and/or hotel development as would be permitted could expose future residents, occupants and/or structures to adverse effects involving strong seismic ground shaking. The possibility of moderate to high ground acceleration or shaking in the City may be considered as approximately similar to the Southern California region, as a whole. The GPEIR concluded compliance with applicable regulations and the General Plan policies would ensure that impacts related to strong seismic ground shaking remain at a less than significant level.³ As such, the exposure of future residents/occupants/structures to potential adverse effects involving strong seismic ground shaking from future development permitted by the proposed project were anticipated in the GP/GPEIR. Therefore, implementation of the future mixed use development pursuant to the land use and zoning changes would be consistent with the analysis presented in the GPEIR, and would result in no greater impacts than previously identified.

Future discretionary development would undergo environmental and/or development review based upon the requirements established by the City in the State of California in order to ensure that the exposure of future residents/structures to potential adverse effects involving strong seismic ground shaking is minimized. Numerous controls would be imposed on future residential development through the permitting process. In general, the City regulates development (and reduces potential seismic hazards) under the requirements of the California Building Code (CBC), which was adopted by the City and known as the Newport Beach Building Code (NBMC Section 15.04.010, *Adoption of the California Building Code*), the Alquist-Priolo Earthquake Fault Zoning Act, local land use policies, and zoning, and project specific mitigation measures. The effects of ground shaking would be sufficiently mitigated for structures designed and constructed in conformance with current building codes and engineering standards. Moreover, future development would also be subject to compliance with General Plan policies that would serve to ensure geologic hazards such as strong seismic ground shaking are minimized. Namely, Policy S 4.1 requires regular update to building and fire codes to provide for seismic safety and design and Policies S 4.4 and S 4.5 serve to ensure that new development is not located in areas that would be affected by seismic hazards. In addition, future redevelopment/reuse of the site would be subject to the preparation of a detailed soils and engineering report, which will determine the specific structural design parameters to ensure that the structural integrity is achieved. Finally, given that future development would undergo project-specific review, be regulated by the CBC and NBMC, and be subject to compliance with General Plan policies, impacts involving the exposure of people/structures to strong seismic ground shaking would be less than significant.

Mitigation Measures: No mitigation is required.

³EIP Associates, *City of Newport Beach General Plan 2006 Update Draft EIR*, Page 4.5-14.



4.6(a)(3) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?

Less Than Significant Impact. Liquefaction can occur in loose soils in response to severe ground shaking. Liquefaction susceptibility is based on both geologic and geotechnical data. According to the GPEIR, the City is susceptible to liquefaction and ground failure in the coastline areas, including Balboa Peninsula, Newport Bay, Upper Newport, the lower reaches of major streams in Newport Beach, and the floodplain of the Santa Ana River. The majority of the City's mapped liquefiable area has been built upon. The existing City Hall Complex property is located in an area of the City that is designated as "Areas with Liquefaction Potential" on Figure 4.5-2 in the GPEIR. However, because the site does support existing development in the form of the municipal offices and Fire Station No. 2, future development would similarly be feasible. The GPEIR concluded that compliance with applicable regulations, as well as General Plan policies, would ensure that impacts would be less than significant.⁴ As such, the exposure of people/structures to potential adverse effects involving seismic-related liquefaction from future development permitted by the Land Use Element were anticipated in the GP/GPEIR, even though the future land uses were not specifically identified at that time. Implementation of the proposed redevelopment/reuse of the City Hall Complex would be consistent with the analysis presented in the GPEIR, and would result in no greater impacts than previously identified for other areas of the City that may be subject to potential liquefaction.

Earthquake-induced landslides of steep slopes occur in either bedrock or soils and can result in undermining of buildings, severe foundation damage and collapse. Hillside areas could pose a potential hazard from earthquake-induced landslides. The central and eastern areas of the City have been identified as vulnerable to seismically induced slope failure. The subject property is not located within a hillside area of the City and the site is devoid of either natural or manufactured slopes. As a result, earthquake-induced landslides would not affect future development that may occur on the City Hall Complex property. As previously indicated, future discretionary development would undergo project-specific environmental and/or development review based upon the requirements established by the City and other regulatory agencies in order to ensure that the exposure of future residents/occupants and/or structures to potential adverse effects involving seismic-related liquefaction and landslides is minimized. Numerous controls would be imposed on future development through the permitting process implemented by the City of Newport Beach. In general, the City regulates development (and reduces potential seismic hazards) under the requirements of the CBC, local land use policies, and zoning, and project specific mitigation measures. Compliance with the CBC standards would require an assessment of hazards related to landslides and liquefaction and the incorporation of design measures into structures to mitigate these hazards. Site-specific geotechnical studies would be required prior to development, in order to determine the soil properties and specific potential for liquefaction and any future redevelopment/reuse of the site must comply with the City Building Code Appendix Chapter A33, *Excavation and Grading*.

The effects of liquefaction and landslides would be sufficiently mitigated for structures designed and constructed in conformance with current CBC and engineering standards. Additionally, future development would also be required to comply with General Plan policies that would result in minimizing the exposure of future residents/structures to potential adverse effects involving seismic-related liquefaction and landslides. Specifically, Policies S 4.1 through S 4.6 require new development to be in compliance with the most recent seismic and other geologic hazard safety standards, and the protection of community health and safety through the implementation of effective, state of the art standards for seismic design of structures in the City. Given that future development would undergo project-specific review, be regulated by the CBC and Newport Beach Municipal Code (NBMC), and be subject to compliance with all relevant General Plan policies, impacts involving the exposure of future residents/structures to seismic-related liquefaction and landslide would be less than significant.

Mitigation Measures: No mitigation is required.

⁴Ibid., Page 4.5-15.



4.6(a)(4) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?

Less Than Significant Impact. Refer to Response 4.6(a)(3). The subject property is devoid of either natural or manufactured slopes that would be subject to failure. No impacts are anticipated and no mitigation measures are required.

Mitigation Measures: No mitigation is required.

4.6(b) Result in substantial soil erosion or the loss of topsoil?

Less Than Significant Impact. As indicated previously, most of the City is built-out, including the City Hall Complex property; therefore, topsoil erosion is not a significant issue in the areas where topsoil is not exposed. However, clearing, grading, and excavation associated with future mixed use development permitted in accordance with the proposed land use and zoning changes could expose soils to minimal short-term erosion by wind and water, and loss of topsoil. Specific erosion impacts would depend largely on the areas affected and the length of time soils are subject to conditions that would be affected by erosion processes. However, the GPEIR concluded that compliance with applicable regulations, as well as General Plan policies, would ensure that impacts would be less than significant. As such, soil erosion impacts from future redevelopment/reuse of the City Hall Complex property were anticipated in the GP/GPEIR. Therefore, implementation of the future land uses would be consistent with the analysis presented in the GPEIR, and would result in no greater impacts than previously identified for other properties within the City of Newport Beach undergoing development and/or redevelopment.

Future discretionary redevelopment/reuse of the site would undergo project-specific environmental and/or development review based upon the development standards prescribed in the NBMC, Newport Beach General Plan and/or other related long-range plans and programs, including the proposed land use and zoning parameters, in order to ensure that substantial soil erosion would not occur. Compliance with NBMC Chapter 15.10, *Excavation and Grading Code*, would be required. Chapter 15.10 sets forth rules and regulations to control excavation, grading, drainage conditions, erosion control, earthwork construction, and the use of earth materials as a structural component; and provides for the approval of plans and inspection of grading construction and drainage control. Additionally, the Newport Beach Zoning Code includes provisions intended to minimize soil erosion. In particular, the Landscaping Standards chapter of the Zoning Code provides landscape standards to control soil erosion. Compliance with the requisite regulatory requirements will ensure that erosion would not occur; no additional mitigation measures would be required.

All demolition and construction activities within the City would be subject to compliance with the CBC, as follows:

- CBC Chapter 70. Standards that would ensure implementation of appropriate measures during grading activities to reduce soil erosion.
- CBC Chapter 33. Regulates excavation activities and the construction of foundations.
- CBC Appendix Chapter 33. Regulates grading activities, including drainage and erosion control.

Project sites encompassing an area of one or more acres would require compliance with a National Pollutant Discharge Elimination System (NPDES) permit and consequently the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP), which will prescribe specific best management practices (BMPs) necessary to minimize erosion and the effects of erosion during the grading and construction phase (refer to Response 4.9(a) below). Moreover, future development would be subject to compliance with General Plan policies that would ensure that new development would not result in substantial soil erosion or loss of



topsoil. More specifically, Policies NR 3.11, NR 3.12, and NR 3.13 would require compliance with applicable local, State, or Federal laws, ensuring maximum practicable protection available for soils excavated during the construction and building associated with infrastructure. Given that future development would undergo project-specific review, be regulated by the CBC, NBMC, and NPDES, and be subject to compliance with General Plan policies, impacts involving soil erosion would be less than significant.

Mitigation Measures: No mitigation is required.

4.6(c) *Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in an on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?*

Less Than Significant Impact. The majority of the City is underlain by compressible soils. Other soils in the City are low-density and/or manmade. The low-density soils are susceptible to liquefaction if sandy in nature and saturated in water. Manmade fill areas can be expansive depending on the type of fill used. The City is also underlain by geologic units, both surficial soils and bedrock that have fine-grained components that are moderate to highly expansive. Fine-grained soils are susceptible to expansion due to the clay components. As previously discussed, future redevelopment/reuse of the City Hall Complex property would undergo project-specific environmental and/or development review based upon the requirements established within the City's Zoning Code, CBC, and other regulatory requirements adopted by the City of Newport Beach in order to ensure that the exposure of future residents/structures to potential adverse effects involving unstable geologic units is minimized.

An acceptable degree of soil stability can be achieved for expansive or compressible material through compliance with the CBC requirements and, if determined necessary, on measures prescribed in a subsequent soils engineering analysis based on the specific project parameters. The site-specific evaluation of soil conditions is required by the CBC and must contain recommendations for ground preparation and earthwork specific to the site, that become an integral part of the construction design. As part of the construction permitting process, the City requires completed reports of soil conditions at specific construction sites to identify potentially unsuitable soil conditions. Moreover, future redevelopment/reuse in accordance with the proposed land use and zoning changes would be subject to compliance with General Plan policies that would minimize the exposure of people/structures to potential adverse effects involving unstable geologic units/soils. Policies S 4.1 through S 4.6 require new development to be in compliance with the most recent seismic and other geologic hazard safety standards. More specifically, compliance with Policies S 4.4 and S 4.6 would serve to ensure that development is not located on unstable soils or geologic units. Given that future development would undergo project-specific review, be regulated by the CBC and NBMC, and be subject to compliance with General Plan policies, impacts involving the exposure of people/structures to unstable geologic units/soils would be less than significant.

Mitigation Measures: No mitigation is required.

4.6(d) *Be located on expansive soil, as defined in Table 18-1-B of the California Building Code (2001), creating substantial risks to life or property?*

Less Than Significant Impact. Expansive soils have a significant amount of clay particles that give up water (shrink) or take on water (swell). The change in volume exerts stress on buildings and other loads placed on these soils. The City is underlain by materials that have a low to moderate expansion potential. The variation in expansion potential depends on the geologic or soil type present. It is possible that future structures could be located on expansive soils, creating a potential risk to life and/or property. However, the GPEIR concluded that compliance with Code requirements and General Plan policies would ensure that impacts would be less than significant. As such, the creation of substantial risk to life/property involving expansive soils from future development permitted by the land use and zoning changes were adequately addressed in the GP/GPEIR for similar uses on sites throughout Newport Beach. Therefore, redevelopment/reuse of the City Hall Complex



property in accordance with the proposed land use and zoning changes would be consistent with the analysis presented in the GPEIR, and would result in no greater impacts than previously identified for other development/sites in the City.

Furthermore, because future discretionary development would undergo site specific environmental and/or development review basis based upon the development standards prescribed in the NBMC, Newport Beach General Plan and/or other related long-range plans and programs, including the requirements of the CBC and NBMC in order to ensure that risk to life/property from expansive soils is minimized. As part of the construction permitting process, the City requires completed reports of soil conditions at specific construction sites to identify potentially unsuitable soil conditions. The design of foundation support must conform to the analysis and implementation criteria described in CBC Chapter 15. Moreover, future development would be subject to compliance with General Plan Policies S4.4 and S4.6, which would serve to ensure that development is not located on unstable soils or geologic units. Given that future development would undergo project-specific review, be regulated by the CBC and NBMC, and be subject to compliance with General Plan policies, impacts involving the creation of substantial risk to life/property from expansive soils would be less than significant.

Mitigation Measures: No mitigation is required.

4.6(e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

No Impact. Any future residential redevelopment/reuse of the City Hall Complex would connect to the City’s existing waste disposal system. Therefore, future projects would not involve the use of septic tanks or alternative wastewater disposal systems. No significant impacts are anticipated and no mitigation measures are required.

Mitigation Measures: No mitigation is required.

4.7 GREENHOUSE GAS EMISSIONS

<i>Would the project:</i>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			■	
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			■	

Impact Analysis

4.7(a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Less Than Significant Impact. Greenhouse gases (GHGs) are gases in the atmosphere that absorb and emit radiation. The greenhouse effect traps heat in the troposphere through the following three-fold process: short wave radiation emitted by the Sun is absorbed by the Earth; the Earth emits a portion of this energy in the form of long wave radiation; and GHGs in the upper atmosphere absorb this long wave radiation and emit this long



wave radiation into space and toward the Earth. This “trapping” of the long wave (thermal) radiation emitted back toward the Earth is the underlying process of the greenhouse effect. The main GHGs in the Earth’s atmosphere are water vapor, carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), ozone (O₃), hydrofluorocarbons (HCFs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆).

Direct GHG emissions include emissions from construction activities, area sources, and mobile (vehicle) sources. Typically, mobile sources make up the majority of direct emissions. Indirect GHG emissions are generated by incremental electricity consumption and waste generation. Electricity consumption is responsible for the majority of indirect emissions.

Regulatory Environment

In June 2005, Governor Schwarzenegger established California’s GHG emissions reduction targets in Executive Order S-3-05. The Executive Order established the following goals:

- GHG emissions should be reduced to 2000 levels by 2010;
- GHG emissions should be reduced to 1990 levels by 2020; and
- GHG emissions should be reduced to 80 percent below 1990 levels by 2050.

California further solidified its dedication to reducing GHGs by setting a new Low Carbon Fuel Standard for transportation fuels sold within the State in 2007 with Executive Order S-1-07. Executive Order S-1-07 sets a declining standard for GHG emissions measured in CO₂ equivalent gram per unit of fuel energy sold in California.

In response to the transportation sector accounting for more than half of California’s CO₂ emissions, Assembly Bill (AB) 1493 (AB 1493, Pavley) was enacted on July 22, 2002. AB 1493 required the California Air Resources Board (CARB) to set GHG emission standards for passenger vehicles, light duty trucks, and other vehicles whose primary use is noncommercial personal transportation in the State. Additionally, the California legislature enacted AB 32 (AB 32, Nuñez) in 2006 to further the goals of Executive Order S-3-05. AB 32 represents the first enforceable statewide program to limit GHG emissions from all major industries, with penalties for noncompliance.

CARB adopted the *AB 32 Climate Change Scoping Plan* (Scoping Plan) in December 2008 to achieve reductions in GHG emissions in California pursuant to the requirements of AB 32. The Scoping Plan contains the main strategies California will use to reduce GHG emissions. AB 32 requires California to reduce its GHG emissions by approximately 28 to 33 percent below business as usual. CARB has identified reduction measures to achieve this goal as set forth in the Scoping Plan.

Per the Attorney General’s Office, their recommended General Plan measures will reduce GHG emissions and the effects of climate change.⁵ Additionally, the Climate Action Team Report to Governor Schwarzenegger at the Legislature (CAT Report) provides “overarching recommendations considered essential by the (Climate Action Team) in meeting the statewide climate change emissions reduction targets” and “lays out a path forward to ensure that California’s climate change emission reduction targets are met.” The CAT Report identifies strategies designed to reduce California’s GHG emissions and meet AB 32 and Executive Order S-3-05 goals. Therefore, compliance with all applicable CAT Report strategies and Attorney General’s General Plan recommendations would ensure the proposed Project would help achieve the AB 32 and Executive Order S-3-05 goals.⁵ California Office of the Attorney General, *Sustainability and General Plans: Examples of Policies to Address Climate Change*, updated January 22, 2010.

to reduce GHG emissions for California.

⁵California Office of the Attorney General, *Sustainability and General Plans: Examples of Policies to Address Climate Change*, updated January 22, 2010.



Construction Emissions

CEQA does not require an agency to evaluate an impact that is “too speculative”, provided that the agency identifies the impact, engages in a “thorough investigation” but is “unable to resolve an issue”, and then discloses its conclusion that the impact is too speculative for evaluation. (CEQA Guidelines Section 15145, Office of Planning and Research Commentary). Pursuant to CEQA Guidelines Section 15146(b):

“An EIR on a project such as the adoption or amendment of a comprehensive zoning ordinance or a local general plan should focus on the secondary effects that can be expected to follow from the adoption or amendment, but the EIR need not be as detailed as an EIR on the specific construction projects that might follow.”

The General Plan (Land Use Element) Amendment, Coastal Land Use Element Amendment, and Zone change does not include a specific development project, but instead, only provides a framework for the City’s anticipated future redevelopment/reuse of the existing City Hall Complex property. Construction of future land uses permitted under the proposed long-range planning changes would result in GHG emissions from the use of construction equipment. Although details of these future construction activities are unknown at this time, and therefore, cannot be accurately, estimates of potential construction impacts are provided in Table 4.7-1 for a variety of redevelopment/reuse scenarios.

Table 4.7-1

**Annual Construction-Related GHG Emissions Estimates
 Newport Beach City Hall Reuse Project**

Year	MTCO₂e
Proposed Apartments and Retail	
2013	519.1
2014	6.2
Total	525.3
Amortized over 30 Years	17.5
Propose Apartments	
2013	508.4
2014	3.6
Total	512.0
Amortized over 30 Years	17.1
Proposed Hotel	
2013	742.0
2014	41.5
Total	783.5
Amortized over 30 Years	26.1
Proposed Hotel and Apartments	
2013	771.9
2014	90.4
Total	862.3
Amortized over 30 Years	28.7
SOURCE: CalEEMod.2011.1.1	



As indicated in Table 4.7-1, construction-related GHG emissions are estimated to be less than significant, based on the recommended significance threshold utilized by the City of Newport Beach. Nonetheless, compliance with General Plan Policy NR 8.1 would serve to reduce air emissions from construction activities. Therefore, compliance with GP Policies and standard SCAQMD regulations would reduce construction-related GHG emissions associated with future redevelopment/reuse of the City Hall Complex property to a level below “business as usual.”

Operational Impacts

Area sources include emissions from natural gas combustion, hearth (wood stove/fireplaces), landscaping equipment, consumer products, and architectural coatings. Indirect sources include emissions from energy consumption and water conveyance. Mobile sources include emission from passenger vehicles and delivery trucks. Typically, mobile sources are the primary contributor of GHG emissions. However, consistent with the General Plan, the proposed land use and zoning changes would not facilitate sprawl and inefficient planning that could result in increased use of the private automobile and increases pollutant emissions, including GHG emissions. Rather, the proposed project would accommodate mixed use development, including a combination of residential, retail, hotel, community center and open space uses that would encourage public transportation.

Similar to construction emissions estimated in Table 4.7-1, it is not possible to accurately estimate potential operational GHG emission impacts associated with future redevelopment/reuse of the City Hall Complex property because the specific nature and extent of such reuse is not currently known. However, GHG emissions have been estimated and are summarized in Table 4.7-1 for the same reuse scenarios identified above.

Table 4.7-2

**Operational GHG Emissions Estimates
Newport Beach City Hall Reuse Project**

Emissions Category	MT CO ₂ e
Proposed Apartments and Retail	
Area	74.8
Energy	223.3
Mobile Source	1,659.4
Solid Waste	27.9
Water	41.0
Annualized Construction	17.5
Total	2,053.8
Existing City Hall Emissions	1,256.1
Net Increase	797.7
Propose Apartments	
Area	74.8
Energy	165.4
Mobile Source	1,008.9
Solid Waste	20.7
Water	43.5
Annualized Construction	17.1
Total	1,330.4
Existing City Hall Emissions	1,256.1
Net Increase	174.3



Emissions Category	MT CO ₂ e
Proposed Hotel	
Area	0.0
Energy	1,061.5
Mobile Source	1,518.0
Solid Waste	37.4
Water	19.3
Annualized Construction	26.1
Total	2,662.2
Existing City Hall Emissions	1,256.1
Net Increase	1,406.1
Proposed Hotel and Apartments	
Area	56.7
Energy	903.7
Mobile Source	1,877.5
Solid Waste	43.1
Water	47.1
Annualized Construction	28.7
Total	2,956.8
Existing City Hall Emissions	1,256.1
Net Increase	1,700.7
SOURCE: CalEEMod.2011.1.1	

At the present time, it is estimated that the existing City Hall Complex generates 1,256.1 MT CO₂e. As indicated in Table 4.7-2, it is estimated that and increase in operational GHG emissions would occur from 174.3 to 1,700.7 MT CO₂e, depending on the redevelopment/reuse scenario ultimately approved in the future by the City for the City Hall Complex property. The estimated increase in CO₂e emissions would not result in an exceedance in the recommended GHG emissions threshold. As a result, potential impacts would be less than significant.

Nonetheless, General Plan Policies NR 6.1 to 6.9, LU 5.3.1 to 5.3.3, 6.14.5, and 6.15.9, CE 5.1.1 to 5.1.16, and 6.2.1 to 6.2.3 are intended to reduce vehicle miles traveled and mobile source emissions by promoting mixed use development and encouraging alternative transportation modes (i.e., public transit, pedestrian, and bicycle). Also, General Plan Policies NR 1.1 to 1.5 address water conservation, and Policies NR 24.1 to 24.5 address energy efficiency and conservation. Therefore, compliance with relevant General Plan policies and programs would reduce GHG emissions associated with future redevelopment/reuse permitted by the proposed land use and zoning amendment to below “business as usual” levels.

Compliance with the Attorney General’s Recommendations

The California Office of the Attorney General has established recommended measures for projects to mitigate GHG emissions at the plan level. A list of the Attorney General’s recommended measures and the project’s compliance with each measure are listed in Table 4.7-3, *Project Compliance with the Attorney General’s Recommendations*.



Table 4.7-3

**Project Compliance with the Attorney General's Recommendations
Newport Beach City Hall Reuse Project**

Attorney General's Recommended Measures	Compliance
Smart growth, jobs/housing balance, transit-oriented development, and infill development through land use designations, incentives and fees, zoning, and public-private partnerships.	Compliant. The proposed land use and zoning changes would be consistent with GP Policies LU 5.3.1 to 5.3.3, 6.14.5, and 6.15.9, which address smart growth, infill development, and the implementation of mixed use developments.
Create transit, bicycle, and pedestrian connections through planning, funding, development requirements, incentives and regional cooperation; create disincentives for auto use.	Compliant. The GP Land Use Policies referenced above would serve to create opportunities for pedestrian friendly developments that would result in a decrease in auto dependency. Also, Policies CE 5.1.1 to 5.1.16 and 6.2.1 to 6.2.3 would encourage alternative modes of transportation on the local and regional scale including pedestrian, bicycle, and transit, which would reduce vehicle miles traveled. Redevelopment/reuse of the City Hall Complex property with a mixed use development, including a hotel, retail commercial, residential, a community center, and/or open space with plazas and promenades
Energy- and water-efficient buildings and landscaping through ordinances, development fees, incentives, project timing prioritization, and other implementing tools.	Compliant. The future redevelopment/reuse of the City Hall Complex property would be consistent with GP Policies NR 1.1 to 1.5, which require the incorporation of energy and water conservation and efficient design features. Compliance with Policies NR 1.1 to 1.5 would result in reduced GHG emissions.
Waste diversion, recycling, water efficiency, energy efficiency and energy recovery in cooperation with public services districts and private entities.	Compliant. Although the General Plan does not include Policies regarding solid waste, the City maintains a 52 percent diversion rate from Orange County landfills. The City has one composting facility, five recycling programs, and six programs specializing in source reduction. Additionally, the General Plan states that the City recycles over 25 percent of its residential waste stream, as well as 100 percent of the concrete, asphalt, and green and brown wastes generated by City operations. Future redevelopment/reuse pursuant to the land use and zoning changes would also be required to comply with the reduction of solid waste.
Urban and rural forestry through tree planting requirements and programs; preservation of agricultural land and resources that sequester carbon; heat island reduction programs.	Compliant. Although no "urban forests" or agricultural land and/or resources exist within Newport Beach, any future redevelopment/reuse must be consistent with Municipal Code Sections 13.08, <i>Planting</i> , and 13.09, <i>Parkway Trees</i> , which include standards for tree planting, preservation, removal, and relocation. Also, the City's Street Trees Division is responsible for the maintenance and care of City trees, and the enforcement of the City's Tree Codes and Policies.
Regional cooperation to find cross-regional efficiencies in GHG reduction investments and to plan for regional transit, energy generation, and waste recovery facilities.	Compliant. Refer to responses above.
Source: California Office of the Attorney General, <i>Sustainability and General Plans: Examples of Policies to Address Climate Change</i> , updated January 22, 2010.	



As noted above, consistency of the proposed land use and zoning changes with GP Policies and existing regulations would reduce GHG emissions associated with future mixed use development permitted by those long-range plans to a level below “business as usual.” General Plan Policies establish smart growth principles, which would allow for mixed-use development, as permitted by the proposed land use and zoning changes, and would serve to reduce mobile source GHG emissions by encouraging alternative transportation modes in Newport Beach that would result in a decrease in auto dependency and vehicle miles traveled. In addition, pedestrian features, including plazas and promenades that would also be incorporated into the future redevelopment/reuse of the City Hall Complex property, which are consistent with adopted GP Policies would also serve to reduce GHG emissions associated with such future redevelopment/reuse of the subject property through the implementation of more efficient energy and water features as well as conservation measures. The future reuse project contemplated by the City pursuant to the land use and zoning changes would result in GHG emissions below “business as usual” levels. Therefore, the proposed changes to long-range plans and programs would not directly generate GHG emissions that would substantially impact the environment, and the GHG reduction goals of AB 32 would not be hindered. A less than significant impact would occur in this regard.

Mitigation Measures: No mitigation measures are required.

4.7(b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Less Than Significant Impact. The City of Newport Beach does not have an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. As stated in Response 4.7(a), the General Plan Natural Resources, Land Use, and Circulation Elements include goals and policies addressing smart land use decisions, the reduction of vehicle miles traveled, and energy efficiency and conservation. Although the City does not have an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions, the sustainable development goals and policies established within the GP would result in GHG emissions below “business as usual” levels. Therefore, a less than significant impact would occur.

Mitigation Measures: No mitigation measures are required.

4.8 HAZARDS AND HAZARDOUS MATERIALS

<i>Would the project:</i>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			■	
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			■	
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			■	
d. Be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, and, as a result, would it create a significant hazard to the public or the			■	



<i>Would the project:</i>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
environment?				
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?			■	
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				■
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			■	
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?			■	

Impact Analysis

4.8(a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Less Than Significant Impact.

Approval of the proposed land use and zoning changes would not result in any direct impacts associated with the transport, use or disposal of any hazardous materials. Future redevelopment/reuse of the City Hall Complex property would also be subject to compliance with General Plan policies that would minimize potential impacts involving the routine transport, use, storage, or disposal of hazardous materials. Namely, Policy S 7.3 would serve to educate residents and businesses about how to reduce or eliminate their use of hazardous materials. Policy S 7.6 requires that all users, producers, and transporters of hazardous materials and wastes clearly identify the materials that they store, use, or transport, and to notify the appropriate City, County, State and Federal agencies in the event of a violation. Future redevelopment/reuse of the City Hall Complex property with the allowed uses of the proposed land use and zoning amendments would not involve the routine transport, use or disposal of hazardous materials. Additionally, given that future development would undergo project-specific review and must also comply with the existing local, regional and federal regulatory framework, and be subject to relevant General Plan policies, potential impacts involving the routine transport, use, storage, or disposal of hazardous materials would be less than significant.

Mitigation Measures: No mitigation is required.

4.8(b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Less Than Significant Impact. Human exposure to hazardous substance could occur through accidental release. Incidents that result in an accidental release of hazardous substance into the environment can cause contamination of soil, surface water, and groundwater, in addition to any toxic fumes that might be generated. If not cleaned up immediately and completely, the hazardous substances can migrate into the soil or enter a local stream or channel causing contamination of soil and water. Human exposure of contaminated soil or



water can have potential health effects on a variety of factors, including the nature of the contaminant and the degree of exposure.

Short-Term Accidental Release of Hazardous Materials

Short-term construction related activities associated with future residential and non-residential development permitted by the proposed General Plan Amendment and change of zoning could result in the release hazardous materials into the environment through reasonably foreseeable upset and accident conditions, particularly during grading and construction. Hazardous material issues may exist on former commercial and/or industrial sites and old buildings where soil contamination, asbestos, and/or lead-based paint may exist.

Demolition. Existing structures will be demolished prior to construction of new buildings. Demolition of structures could expose construction personnel and the public to hazardous substances such as asbestos containing materials (ACM) or lead-based paints (LBP), due to the age of the structures to be demolished. Further, the potential exists that construction activities may release potential contaminants that may be present in building materials (e.g., mold, lead, etc.). Federal and State regulations govern the renovation and demolition of structures where ACMs and LBPs are present. All demolition that could result in the release of ACMs or LBPs must be conducted according to Federal and State standards (refer to SC 4.7-2). The National Emission Standards for Hazardous Air Pollutants (NESHAP) mandates that an asbestos survey be conducted to determine the presence of ACMs prior to the commencement of any remedial work, including demolition. Similarly, the survey must also determine if LBP is also present in the structures. If ACM and/or LBP is found, abatement of asbestos and lead based paint would be required prior to any demolition activities. Compliance with the recommended mitigation regarding the requirement for an asbestos survey and asbestos abatement, as well as compliance with SCAQMD Rule 1403, would reduce potential impacts to a less than significant level.

Soil and Groundwater Contamination in Unknown Contaminated Sites. Grading and excavation for redevelopment/reuse of the City Hall Complex property as proposed could expose construction workers and the public to unidentified hazardous substances that may be present in the soil or groundwater. Exposure to contaminants could occur if the contaminants migrated to surrounding areas or if contaminated zones were disturbed at the contaminated location. Although an underground fuel tank was located within the limits of the City Hall Complex property, the tank was removed in 2003 and the site remediated in accordance with Regional Water Quality Control Board (RWQCB) and Orange County Health Care Agency (OCHCA) requirements. As a result, no contaminated soils or groundwater is known to occur within the limits of the subject site.

Long-Term Accidental Release of Hazardous Materials

Although most typical of commercial and industrial project, incidents involving hazards and/or hazardous materials that could result in accidental release of hazardous materials that could affect residential development involve:

- Leaking underground storage tanks;
- Spills during transport;
- Inappropriate storage;
- Inappropriate use; and/or
- Natural disasters.

If not cleaned up immediately and completely, these and other types of incidents could cause contamination of soil, surface water, and groundwater, in addition to any toxic fumes that might be generated. Depending on the nature and extent of the contamination, groundwater supplies could become unsuitable for use as a domestic water source. Human exposure to contaminated soil or water could have potential health effects depending on a variety of factors, including the nature of the contaminant and the degree of exposure.



Long-term operations of redevelopment/reuse as proposed of the City Hall property with a combination of residential, retail, hotel, community center and open space would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. It is anticipated that only limited amounts of household hazardous wastes in the form of pesticides, herbicides and related materials would be stored and used by the proposed uses; no large quantity commercial and/or industrial hazardous materials would be stored or used on the site.

Leaking Storage Tanks. As indicated above and in the records search conducted through Environmental Data Resources (EDR), the subject site does not contain any USTs or LUSTs. A single above-ground storage tank does exist on the site; however, a UST was removed and the site remediated in 2003. The AST, which is utilized for emergency power generation for the existing City Hall Complex, will be removed when the site is demolished in the future. No significant impacts are anticipated and no mitigation measures are required.

Off-Site Transport. Transportation of hazardous materials during the construction phase of any future residential development can result in accidental spills, leaks, toxic releases, fire, or explosion. The potential exists for licensed vendors to transport hazardous materials in the form of petroleum products to fuel construction equipment to and from the City Hall Complex property. Accidental releases would most likely occur in the form of spills during refueling and related construction activities. The USDOT Office of Hazardous Materials Safety prescribes strict regulations for the safe transportation of hazardous materials, as described in Title 49 of the Code of Federal Regulations, and implemented by Title 13 of the CCR.

Storage and Use/Handling. Hazardous materials must be stored in designated areas designed to prevent accidental release to the environment. California Building Code (CBC) requirements prescribe safe accommodations for materials that present a moderate explosion hazard, high fire or physical hazard, or health hazards. Compliance with all applicable Federal, State, and local laws related to the storage of hazardous materials would be required to maximize containment and provide for prompt and effective clean-up, if an accidental release occurs.

Hazardous materials use/handling would present a slightly greater risk of accident than hazardous materials storage. However, for those employees who would work with hazardous materials, the amount of hazardous materials that are handled at any one time are generally relatively small, reducing the potential consequences of an accident during handling.

The GPEIR concluded compliance with existing regulations and General Plan policies, and implementation of established safety practices, procedures, and reporting requirements, would ensure that construction workers and the general public would not be exposed to any unusual or excessive risks related to hazardous materials during construction activities, and reduce the risk of upset involving routine hazardous materials use, transportation, and handling. Impacts were concluded as less than significant.⁶ Development that would occur pursuant to the proposed land use and zoning amendments was considered by virtue of the analysis for other similar development-related impacts in the GPEIR. As such, potential impacts associated with the creation of a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment from future mixed use development permitted by the proposed General Plan and CLUP Amendments and Zone Change would result in no greater impacts than previously identified and addressed in the City's GPEIR.

Future discretionary redevelopment/reuse of the City Hall Complex as permitted if the land use and zoning amendments are approved would undergo project-specific environmental and/or development review on based upon the requirements prescribed by the City and/or regulatory agencies having oversight of the project in order to minimize risks due to reasonably foreseeable upset and accident conditions involving the release of hazardous materials. While the risk of exposure to hazardous materials cannot be eliminated, measures can be implemented to maintain risk to acceptable levels. Oversight by the appropriate agencies and compliance with

⁶Ibid., Page 4.6-22 and 23.



measures established by Federal, State, and local regulatory agencies is considered adequate to offset the negative effects related to the reasonably foreseeable upset and accident conditions involving the release of hazardous materials in the City. Future redevelopment/reuse would also be subject to compliance with General Plan policies that would minimize potential impacts involving hazardous materials; refer to Response 4.8(a). Given that future development would undergo project-specific review by the City of Newport Beach, be regulated by the existing regulatory framework, and be subject to compliance with General Plan policies, impacts due to the creation of a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment would be less than significant.

Standard Conditions

SC 4.7-1 The City of Newport Beach will require all plans for proposed future development within the project area to comply with all applicable Federal, State, and local regulations pertaining to the transport, storage, use and/or disposal of hazardous materials on the site.

SC 4.7-2 Prior to issuance of a demolition permit, a sampling and analytical testing program shall be undertaken by a certified asbestos consultant (CAC) and certified LBP inspector (unless those materials are handled as ACM and/or LBP). If ACM and/or LBP is detected, the materials shall be removed by a licensed asbestos or LBP contractor prior to any building demolition or renovation that would disturb the identified ACM or LBP.

Mitigation Measures: *No mitigation measures are required.*

4.8(c) *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*

Less Than Significant Impact. There are over 25 public schools located throughout the City of Newport Beach; however, none are located within one-quarter mile of the subject property. As discussed in Response 4.7.a, construction and operation of uses consistent with the proposed land use and zoning amendments could involve the routine use of hazardous materials, either during construction or for long-term maintenance of proposed development in the form of household hazardous materials. Hazardous materials could be used during construction of development on the subject property, including the use of standard construction materials, cleaning and other maintenance products, and diesel and other fuels. The secondary activities that would occur with the proposed land uses (e.g., building and landscape maintenance) would also involve the use of hazardous materials.

The GPEIR concluded compliance with the provisions of the City's Fire Code and implementation of General Plan policies would minimize the risks associated with the exposure of sensitive receptors (i.e., schools) to hazardous materials. This impact would be less than significant.⁷ Development and/or redevelopment occurring in the City of Newport Beach was considered in the GPEIR analysis. Although the project includes an amendment to the General Plan in order to permit mixed uses on the City Hall property, the proposed use designation that would result in increased densities/intensities that were not included in the GP would not change the conclusions presented in the GPEIR. As such, potential impacts from redevelopment of the subject property as proposed associated with hazardous emissions or hazardous materials in proximity to a school were anticipated in the GP/GPEIR. Implementation of the proposed uses would, therefore, be consistent with the analysis presented in the GPEIR, and would not result in impacts greater than previously identified and evaluated in that document.

⁷Ibid., Page 4.6-26.



Redevelopment/reuse of the City Hall property would be required to comply with the requirements established by the City of Newport Beach and regulatory agencies with oversight, which could require the implementation of measures prescribed by Federal, State, and local regulatory agencies in order to adequately offset the negative effects associated with the exposure of sensitive receptors (i.e., schools) to hazardous materials. In addition, all development would also be subject to compliance with General Plan policies that would minimize potential impacts involving hazardous materials; refer to Responses 4.8(a) and 4.8(b). As previously indicated, no schools are located within one-quarter mile of the City Hall property. Although construction or routine operations associated with redevelopment of the City Hall site could involve transport, use, or disposal of hazardous materials, no significant impacts would occur due to the location of the subject property to existing schools within Newport Beach, which are located beyond a one-quarter mile radius of the site. Furthermore, given that the development activities that would occur on the subject property would be regulated by the existing regulatory framework, and be subject to compliance with General Plan policies, potential impacts involving hazardous emissions or hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school would be less than significant.

Mitigation Measures: No mitigation is required.

4.8(d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

Less Than Significant Impact. According to GPEIR Section 4.6, there are various hazardous material sites located within the City. Most of these sites include former industrial properties or sites that have supported some use that resulted in soils and/or groundwater contamination (e.g., gas stations, research and development, etc.). Based on the records survey conducted for the proposed project, several sites, including the project site, have been identified in the database survey of records. The subject property is identified on the following Standard Environmental Records compiled pursuant to Government Code Section 65962.5:

- State and Tribal Leaking Storage Tank List (LUST)
- State and Tribal Registered Storage Tank List (UST)
- Local Lists of Registered Storage Tanks (CA FID UST, HIST UST, SWEEPS UST)
- Records of Emergency Release Reports (CHMIRS)
- Other Ascertainable Records (FINDS, HIST CORTESE, HAZNET)

Based on the records search, an underground storage tank containing gasoline was located under the subject property. Although a leak was reported, the site was remediated in accordance with regulatory agency protocols and the case was closed in 2003. No significant soils and/or groundwater contamination is known to exist on the site at the present time. The GPEIR concluded compliance with the established regulations and implementation of General Plan policies would minimize the risks associated with development of a potentially contaminated site, and impact would be less than significant. Although project implementation will necessitate the approval of a General Plan Amendment, potential impacts from future development permitted by the General Plan involving contaminated sites were anticipated in the GP/GPEIR and appropriate measures and/or compliance with Federal, State and/or local regulations has been identified. Implementation of the proposed project would be consistent with the analysis presented in the GPEIR, and would result in no greater impacts than previously identified.

As previously indicated, redevelopment/reuse of the site as proposed with a mix of residential, retail, hotel, a community center, and open space land uses would undergo subsequent development review based upon the requirements established by the City of Newport Beach and/or regulatory agencies having oversight in order to minimize risks involving development of a contaminated site. Development of the City Hall property would be required to comply with DTSC, OCHCA, and the SARWQCB before construction activities can begin. In addition, development would also be subject to compliance with General Plan policies. In particular, Policy S 7.1 requires proponents of projects in known areas of contamination from oil operations or other uses to perform



comprehensive soil and groundwater contamination assessments in accordance with American Society for Testing and Materials standards. Given that site development would be regulated by the existing regulatory framework, and be subject to compliance with General Plan policies, potential impacts involving residential development of the subject property would be less than significant.

Mitigation Measures: No mitigation is required.

4.8(e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

Less Than Significant Impact. The southeastern portion of John Wayne Airport (JWA) borders the City of Newport Beach. Additionally, the City lies under the arrival traffic pattern for the Long Beach Airport. While aviation accidents with one or more fatalities are rare events, redevelopment of the subject property as proposed by the City of Newport Beach would result in the intensification of the use of the site and, as a result, could expose people residing or working at the site to potential aviation hazards from local airports.

However, the GPEIR concluded compliance with existing regulations and General Plan policies, and utilization of the California Airport Land Use Planning Handbook for new development within JWA land use boundaries would minimize impacts associated with JWA operations on surrounding land uses, and impacts would be less than significant. The City Hall property is not located within the limits of the John Way Airport Safety Zone Reference Map, which identifies safety compatibility zones for the airport. Furthermore, the project site is also not located within the Federal Aviation Regulations (FAR) Part 77 notification area for JWA (i.e., 20,000-foot radius at 100:1 slope) identified in the Airport Environs Land Use Plan (AELUP) adopted by the Orange County Airport Land Use Commission (ALUC). Although development that is now proposed that would occur on the subject property was not considered in the GPEIR analysis, the site is currently developed as the City Hall complex.

Redevelopment of the site as proposed would be subject to subsequent development review and evaluated based upon the permit requirements prescribed in the NBMC and related long-range plans and programs in order to ensure that potential impacts involving aviation hazards are minimized. All land uses within the area of influence of JWA would be subject to the land use standards established in the City's Municipal Code and the AELUP. Although the project site is located approximately 2.0 miles south of John Wayne Airport (JWA), the 4.26-acre property is not located within for the AELUP Notification Area (i.e., FAR Part 77) for JWA as indicated above. The site is not located within the jurisdiction of the AELUP. Furthermore, the site is not within a JWA safety zone nor is it subject to high noise levels from JWA nor is it within a JWA notification area. Existing and future development of the project site would not be above 200 feet of the ground surface, nor is it subject to any avigation easements established for JWA. The attached graphic is a City representation of the safety zones, high noise zones and the notification area. Any structure outside of the notification area that is above 200 feet from the existing grade is subject to FAA jurisdiction. Because future structures would be located at 55/65 feet from existing grade on the City Hall Complex property, they would be located outside each of the AELUP areas. As a result, neither the propose land use and zoning amendments nor future development of the site in accordance with the development standards are not subject to either ALUC or FAA review.

Although the project site and future redevelopment/reuse of the City Hall Complex property would not be subject to potential hazards posed by aviation activities occurring at JWA, the City's Emergency Management Plan includes safety procedures with respect to aviation hazards. Future development would also be subject to compliance with General Plan policies that would minimize impacts involving aviation-related hazards. Namely, General Plan Policies S 8.1 through S 8.4 would ensure preparation and minimize risk in the case of an aviation accident. LU Policy 6.15.24 requires that all development be constructed within the height limits and residential uses be located outside of areas exposed to the 65 dBA CNEL noise contour specified by the AELUP, unless the City Council makes appropriate findings for an override in accordance with applicable law. The subject property is not located within the 65 dBA CNEL noise contour of JWA. Given that the proposed project



would be subject to compliance with the established regulations and General Plan policies, impacts involving aviation-related hazards would be less than significant.

Mitigation Measures: No mitigation is required.

4.8(f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

No Impact. There are no private airstrips located within the City of Newport Beach. Redevelopment of the City Hall property as proposed by the City of Newport Beach would not expose people residing or working on the subject property to aviation hazards from a private airstrip.

Mitigation Measures: No mitigation is required.

4.8(g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Less Than Significant Impact. As previously indicated, the proposed project includes a mix of residential, retail, a hotel, a community center and open space uses on the City Hall property at 3300 Newport Boulevard. Future development that would be implemented could increase traffic volumes and may impede the rate of evacuation, in the event of an accident or natural disaster in the City. The GPEIR concluded compliance with the General Plan policies would reduce impacts associated with emergency response and evacuation in the City to a less than significant level. Development permitted by the General Plan was considered and adequately evaluated in the GPEIR analysis because additional development in accordance to the Land Use Element was anticipated to occur. Even though the project site was not evaluated as currently proposed, it was evaluated as a developed site (i.e., Newport Beach City Hall). As such, potential impacts from development, including existing and proposed, associated with emergency response and evacuation were anticipated and adequately evaluated in the GP/GPEIR. As a result, implementation of the proposed mixed use development is consistent with the analysis presented in the GPEIR, and would not result in greater impacts than previously identified.

Furthermore, the City would continue to implement its Emergency Management Plan (EMP), which guides the City's response to extraordinary emergency situations. Moreover, General Plan Policies S 9.1, S 9.2, and S 9.3 would serve to ensure that the City's Emergency Management Plan is regularly updated, provides for efficient and orderly citywide evacuation, and also ensures that emergency services personnel are familiar with the relevant response plans applicable to the City. Given that future development of the site development would undergo project-specific review, and be subject to the City's EMP and General Plan policies, impacts involving emergency response and evacuation would be less than significant.

Mitigation Measures: No mitigation is required.

4.8(h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

Less Than Significant Impact. Areas susceptible to wildland fires are located in the eastern portions of the City, as well as surrounding areas to the north, east, and southeast. The GPEIR concluded compliance with the General Plan policies would reduce impacts associated with the exposure of people and structures to risk involving wildland fires to a less than significant level. The proposed City Hall Complex is not located within a designated "high fire hazard" area or adjacent to such a designated area. Therefore, future redevelopment/reuse of the City Hall Complex property in accordance with the land use and zoning amendments would not be subject to a significant risk or loss, injury or death involving wildland fires. Implementation of the proposed project would be consistent with the analysis presented in the GPEIR for the subject property, and would result in no greater impacts than previously identified.



Mitigation Measures: No mitigation is required.

4.9 HYDROLOGY AND WATER QUALITY

<i>Would the project:</i>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements?			■	
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			■	
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?			■	
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?			■	
e. Create or contribute runoff which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?			■	
f. Otherwise substantially degrade water quality?			■	
g. Place housing within a 100-year flood hazard as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?			■	
h. Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?			■	
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			■	
j. Inundation by seiche, tsunami, or mudflow?			■	

Impact Analysis

4.9(a) *Violate any water quality standards or waste discharge requirements?*

Less Than Significant Impact. As part of Section 402 of the Clean Water Act, the U.S. Environmental Protection Agency (EPA) has established regulations under the National Pollution Discharge Elimination System (NPDES) program to control direct storm water discharges. In California, the State Water Resources Control Board (SWRCB) administers the NPDES permitting program and is responsible for developing NPDES permitting requirements. The NPDES program regulates industrial pollutant discharges, which include construction activities. The SWRCB works in coordination with the Regional Water Quality Control Boards (RWQCB) to



preserve, protect, enhance, and restore water quality. The City of Newport Beach is within the jurisdiction of the Santa Ana RWQCB (SARWQCB).

Short-Term Construction

The SWRCB adopted NPDES General Permit No. CAS000002, Waste Discharge Requirements (WDRs) for Discharges of Stormwater Runoff Associated With Construction Activity (General Construction Permit). Construction sites with 1.0 acre or greater of soil disturbance or less than 1.0 acre, but part of a greater common plan of development, are required to apply for coverage for discharges under the General Construction Permit by submitting a Notice of Intent (NOI) for coverage, developing a Stormwater Pollution Prevention Plan (SWPPP), and implementing Best Management Practices (BMPs) to address construction site pollutants. Construction activity subject to this permit includes clearing, grading, and disturbances to the ground such as stockpiling or excavation, but does not include regular maintenance activities.

The proposed General Plan Amendment, CLUP Amendment and Zone Change do not include specific development projects, but instead, only provides a framework for the City's anticipated future redevelopment/reuse of the site. Construction activities from future mixed use development permitted under by the proposed land use and zoning amendments would be subject to compliance with NBMC Chapter 14.36, *Water Quality*, NBMC Chapter 15.10, *Excavation and Grading Code*, and NPDES requirements. Prior to issuance of any Grading or Building Permit, and as part of the future redevelopment/reuse's compliance with the NPDES requirements, a NOI would be prepared and submitted to the Santa Ana RWQCB providing notification and intent to comply with the General Construction Permit. Also, a SWPPP would be submitted and approved by the City or water quality construction activities onsite. A copy of the SWPPP would be made available and implemented at the construction site at all times. The SWPPP is required to outline the source control and/or treatment control BMPs to avoid or mitigate runoff pollutants at the construction site to the "maximum extent practicable." Additionally, through the City's development review process, future projects would be evaluated for potential site-specific water quality impacts from construction activities. Compliance with NBMC Chapters 14.36 and 15.10, and NPDES requirements would reduce short-term construction-related impacts to water quality to a less than significant level.

Long-Term Operations

The Municipal Storm Water Permitting Program regulates storm water discharges from municipal separate storm sewer systems (MS4s). The RWQCBs have adopted NPDES storm water permits for medium and large municipalities. Most of these permits are issued to a group of co-permittees encompassing an entire metropolitan area. The SARWQCB issued the permit governing the public storm drain system discharges in northern Orange County from the storm drain systems owned and operated by the Orange County cities and Orange County (collectively "the Co-permittees"). This permit regulates storm water and urban runoff discharges from development to constructed and natural storm drain systems in the City of Newport Beach. Among other requirements, the NPDES permit specifies requirements for managing runoff water quality from new development and significant redevelopment projects, including specific sizing criteria for treatment BMPs.

To implement the requirements of the NPDES permit, the Co-permittees have developed the Orange County Stormwater Program 2003 Drainage Area Management Plan (DAMP), which includes a New Development/Significant Redevelopment Program. The New Development/Significant Redevelopment Program provides a framework and a process for following the NPDES permit requirements and incorporates watershed protection/storm water quality management principles into the Co-Permittees' General Plan process, environmental review process, and development permit approval process. Local jurisdictions, including the City of Newport Beach, have adopted a Local Implementation Plan (LIP) based upon the County's DAMP, which includes a Model Water Quality Management Plan (WQMP). Using the local LIP (City of Newport Beach Stormwater LIP) as a guide, the City would review and approve project-specific WQMPs, as part of the development plan and entitlement approval process for discretionary projects, prior to issuing permits for ministerial projects. More specifically, prior to issuance of any Grading Permit, future development would be required to prepare a WQMP, which includes both Structural and Non-Structural BMPs in order to comply with



the requirements of the current DAMP and NPDES. Compliance with NBMC Chapters 14.36 and 15.10, and NPDES requirements would reduce long-term impacts to water quality to a less than significant level.

The GPEIR concluded compliance with NPDES requirements, the Orange County DAMP, the NBMC, and General Plan Policies would reduce the risk of water degradation within the City from the operation of new developments to the maximum extent practicable. Therefore, since violation of waste discharge requirements or water quality standards would be avoided or minimized, this impact would be less than significant. Redevelopment/reuse of the City Hall Complex property that would occur pursuant to the proposed land use and zoning amendments would be consistent with the analysis presented in the GPEIR, and would result in no greater impacts than previously identified for similar land uses analyzed in that document.

Future discretionary development would undergo environmental and/or development review on a project-specific basis based upon the development standards prescribed in the NBMC, General Plan policies and relevant long-term plans and programs in order to ensure that impacts involving violations of waste discharge requirements or water quality standards would be minimized. Additionally, future development would be subject to compliance with General Plan policies. In particular, Policies NR 3.1 through NR 5.4 would serve to limit the use of landscape chemicals detrimental to water quality, require development to result in no degradation of natural water bodies, require new development applications to include a WQMP to minimize construction and post-construction runoff, implement and improve BMPs, require all street drainage systems to be designed to minimize adverse impacts on water quality, and require grading/erosion control plans with structural BMPs that prevent or minimize erosion. Implementation of General Plan Policy NR 3.20 would serve to minimize the creation of impervious surfaces, while increasing the area of pervious surfaces, where feasible. Given that future development would undergo project-specific review, be regulated by the NPDES, DAMP, and the NBMC, and subject to compliance with *General Plan* policies impacts involving water quality standards or waste discharge requirements would be less than significant.

Standard Conditions

- SC 4.9-1 Prior to issuance of a grading permit, the project applicant for future redevelopment/reuse of the City Hall Complex property shall be required to submit a notice of intent (NOI) with the appropriate fees to the State Water Quality Resources Control Board for coverage of such future projects under the General Construction Activity Storm Water Runoff Permit prior to initiation of construction activity at a future site. As required by the NPDES permit, a Storm Water Pollution and Prevention Plan (SWPPP) will be prepared and will establish BMPs in order to reduce sedimentation and erosion.
- SC 4.9-2 Prior to approval of redevelopment/reuse project on the City Hall Complex property by the City Council, the project applicant shall prepare a Preliminary Water Quality Management Plan (WQMP) for the project and submit the Final WQMP to the City of Newport Beach for approval with the project improvement plans. The WQMP shall specifically identify Best Management Practices (BMPs) that will be used to control predictable pollutant runoff, including flow/volume-based measures to treat the "first flush." The WQMP shall identify at a minimum the routine structural and non-structural measures specified in the Countywide NPDES Drainage Area Master Plan (DAMP), which details implementation of the BMPs whenever they are applicable to a project, the assignment of long-term maintenance responsibilities, and shall reference the locations of structural BMPs
- SC 4.9-3 Prior to issuance of a grading permit for future redevelopment/reuse of the City Hall Complex property, the project applicant shall prepare a Storm Water Pollution and Prevention Plan (SWPPP). The SWPPP will establish BMPs in order to reduce sedimentation and erosion and prevent construction pollutants from leaving the site. The project shall also incorporate all monitoring elements as required in the General Construction Permit. The project applicant shall



also develop an erosion and sediment control plan to be reviewed and approved by the City of Newport Beach prior to issuance of grading permit.

SC 4.9-4 Future site grading and construction shall comply with the drainage controls imposed by the applicable building code requirements prescribed by the City of Newport Beach.

4.9(b) *Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?*

Less Than Significant Impact. Groundwater within the City is shallow and can occur as shallow as 5 feet beneath ground surface. During construction, the groundwater table could be encountered during construction activities. However, given that the City is primarily a built-out area, and that redevelopment/reuse of the City Hall Complex property permitted by the land use and zoning amendments would constitute infill, the displaced/removed volume from these activities would not be substantial relative to the Orange County Groundwater Basin's water volume. Therefore, future mixed use development permitted by the proposed General Plan and CLUP Amendments and Zone Change would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge.

Groundwater recharge is derived from percolation of Santa Ana River flow, injection into wells, and infiltration of precipitation. The City of Newport Beach is not located within an identified recharge area for groundwater. Future development would not interfere significantly with recharge as the City does not contribute a significant amount to the Santa Ana River flow, there are no injection wells in the City. As previously indicated, because the City is nearly fully built-out, future redevelopment/reuse of the City Hall Complex property permitted by the land use and zoning amendments would constitute infill. As a result, the amount of impervious surfaces would not change significantly.

Water service is provided by the City of Newport Beach, Irvine Ranch Water District, and the Mesa Consolidated Water District. Future mixed use development permitted by the proposed land use and zoning amendments would increase the demand for groundwater. However, the GPEIR concluded groundwater supplies would meet projected demands throughout the City, and compliance with General Plan policies would reduce water consumption to ensure adequate groundwater supplies. As previously indicated, the proposed land use and zoning amendments do not include a specific development project, but instead, provide a framework for the City's anticipated future reuse of the City Hall Complex property. Because the project site is currently developed with the municipal offices, potential impacts to groundwater supplies due to water consumption from future mixed use development permitted under the General Plan and CLUP Amendments and Zone Change would be consistent with the analysis presented in the GPEIR, and would result in no greater impacts than previously identified.

Future discretionary development would undergo environmental and/or development review on a project-specific basis based upon the development standards and other requirements prescribed in the City's Zoning Ordinance and related long-range plans and programs in order to determine potential impacts on groundwater supplies. Additionally, future development would be subject to compliance with General Plan policies (refer to Response 4.17(b)) designed to minimize water consumption and expand the use of alternative water sources to provide adequate water supplies for not only existing uses but also future growth within the City. Given that future residential development would undergo project-specific review and be subject to compliance with *General Plan* policies, potential impacts to groundwater supplies would be less than significant as concluded in the GPEIR.

Mitigation Measures: No mitigation is required.



4.9(c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?

Less Than Significant Impact. Although construction activities of future development could temporarily alter existing drainage patterns as a result of grading and related site preparation activities, the site is currently developed and no existing natural drainage features exist on the site. It is possible that future redevelopment/reuse of the project site would also alter existing drainage patterns through changes in ground surface permeability and changes in topography, such impacts were evaluated in the GPEIR, which concluded that compliance with NPDES and NBMC regulations, in addition to implementation of General Plan policies, would reduce potentially significant impacts resulting from landform alteration associated with new development that affect existing drainage patterns to a less than significant level. As previously indicated, redevelopment that would occur pursuant to the proposed land use and zoning amendments was generally considered in the GPEIR analysis. As such, potential impacts due to alterations of drainage patterns from future development were anticipated and evaluated in the GP/GPEIR. Therefore redevelopment/reuse of the City Hall Complex property as anticipated by the City in accordance with the proposed land use and zoning amendments would be consistent with the analysis presented in the GPEIR, and would result in no greater impacts than previously identified for similar land uses. Furthermore, because the existing site is developed, it has been substantially altered. Furthermore, future discretionary development pursuant to the proposed land use and zoning amendments would be required to undergo project-specific environmental and/or development review, which would evaluate a subsequent development project based upon the development standards and other requirements prescribed by the City of Newport Beach and contained in the NBMC, CBC and other related policies, plans, and programs in order to minimize potential impacts due to alterations of drainage patterns resulting from future residential development. Additionally, future redevelopment/reuse of the City Hall Complex property would be subject to compliance with General Plan policies (i.e. Policies NR 3.10 to NR 3.12, NR 4.4, NR 3.16, NR 3.20, NR 3.21, and S 5.3), which would serve to minimize potential impacts due to alterations of drainage patterns. Given that future mixed use development on the subject property would undergo subsequent review and be subject to compliance with NPDES requirements and *General Plan* policies, potential impacts due to alterations of drainage patterns resulting from such development would be less than significant as concluded in the GPEIR.

Mitigation Measures: No mitigation is required.

4.9(d) Substantially alter the existing drainage pattern of the site or area, including through alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?

Less Than Significant Impact. Given that the City Hall Complex property has been substantially altered to accommodate the municipal offices, future redevelopment/reuse of the site would constitute infill development. As such, new mixed use development would not substantially alter drainage patterns, because these areas are already developed with existing uses and impervious surfaces. Similarly, since the increase in impervious surfaces would be limited, the potential increase stormwater runoff would not be substantial such that the capacity of existing and planned infrastructure would be exceeded, and flooding impacts would occur downstream. Additionally, no watercourse is present on or abutting the project site; therefore, future development consistent with the proposed land use amendments will not alter any water courses. Therefore, Project implementation would not directly result in substantially altering the existing drainage patterns, and would not result in flooding. Refer also to Response 4.8.c.

Mitigation Measures: No mitigation is required.



4.9(e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

Less Than Significant Impact. Refer to Responses 4.9(a), 4.9(c), and 4.9(d).

Mitigation Measures: No mitigation is required.

4.9(f) Otherwise substantially degrade water quality?

Less Than Significant Impact. Refer to Responses 4.9(a) and 4.9(c).

Mitigation Measures: No mitigation is required.

4.9(g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

Less Than Significant Impact. The Federal Emergency Management Agency (FEMA) prepares and maintains Flood Insurance Rate Maps (FIRMs), which show the extent of Special Flood Hazard Areas (SFHAs) and other thematic features related to flood risk, in participating jurisdictions. To receive insurance benefits in the event of flood, participating agencies must recognize these official flood boundaries and establish appropriate land use policy for the flood zones.

GPEIR Figure 4.7-3, *Flood Zones*, illustrates the City's 100- and 500-year flood Zones. As indicated by Figure 4.7-3, the City's coastline and areas of Newport Bay are located within a 100-year flood zone, where the potential for private property flooding exists. The 100-year flood (one percent annual chance flood), also known as the base flood, is the flood that has a one percent chance of being equaled or exceeded in any given year. This SFHA is the area subject to flooding by the one percent annual chance flood.

The City Hall Complex property is not located within the limits of a 100-year flood plain. Therefore, impacts of flood hazards or impeding/redirection flows would be less than significant. The GPEIR concluded compliance with General Plan policies and NBMC standards would sufficiently protect new structures from damage in the event of a 100-year flood and would ensure flows are not substantially impeded or redirected. Furthermore, redevelopment/reuse of the City Hall Complex property in accordance with the land use and zoning amendments was considered in the GPEIR analysis. As such, exposure of residents and/or homes and structures associated with future development to potential substantial adverse effects involving flood hazards were anticipated in the GP/GPEIR. Implementation of the proposed land use and zoning amendments would be consistent with the analysis presented in the GPEIR, and would result in no greater impacts than previously identified because the site is not subject to inundation associated with a 100-year storm.

Furthermore, future discretionary development would undergo project-specific environmental and/or development review based upon the development standards and other requirements prescribed in the City's Zoning Ordinance, General Plan polices, and related long-term plans and programs adopted by the City in order to ensure that future reuse of the City Hall Complex property is not adversely impacted. Further, NBMC Chapter 15.50 establishes methods and provisions that would minimize flood damage to development. A water displacement analysis would be required to investigate the effect of new structural development or fill on flooding depth, pursuant to FEMA regulation 44 CFR 60.3 (c)(10). Future development would also be subject to General Plan policies that would protect human life and public and private property from the risks of flooding. For example, Policy S 5.1 requires all new development within 100-year flood zones to mitigate flood hazards by including onsite drainage systems that are connected to the City's storm drain system, grading of sites within the project area such that runoff does not impact adjacent properties, or elevating buildings above flood levels. If building pads are elevated out of the floodplain, a Letter of Map Revision (LOMR) would be required from FEMA that certifies the land has been elevated out of the floodplain. Flood proofing measures included in the General Plan and NBMC would be sufficient to protect new structures from damage in the event of a 100-year



flood. Given that future development would undergo project-specific review, be regulated by the Federal/State regulatory framework, and be subject to compliance with General Plan policies, impacts to future potential residential development from potential flooding would be less than significant.

Mitigation Measures: No mitigation is required.

4.9(h) Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?

Less Than Significant Impacts. The City Hall Complex property is not located within the limits of a 100-year flood plain delineated by FEMA. Refer to Response 4.9(g).

Mitigation Measures: No mitigation is required.

4.9(i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

Less Than Significant Impact. There are several dams located in the City and environs that could affect future development within Newport Beach. Specifically, the City is located downstream of Prado Dam, Santiago Creek Reservoir, Villa Park Reservoir, San Joaquin Reservoir, Big Canyon Reservoir, and Harbor View Reservoir. The areas of the City that would be impacted to inundation include the areas near the Santa Ana River, San Diego Creek, Newport Bay, and Big Canyon Reservoir. As indicated in the GPEIR, the probability of dam failure is low. The proposed land use and zoning amendments provide a framework for the City's anticipated future redevelopment/reuse of the City Hall Complex property. Future reuse of the subject property would not increase the risk of dam failure and flooding. Furthermore, compliance with the NBMC and General Plan policies, which are intended to avoid the exposure of people or structures to risk due to failure of a dam, would reduce potential impacts to a less than significant level.

Mitigation Measures: No mitigation is required.

4.9(j) Inundation by seiche, tsunami, or mudflow?

Less Than Significant Impact. According to the GPEIR, potential risks from seiche and tsunami exist along the coastal area and in areas of the City near inland water bodies. Seiches may occur in large, enclosed bodies of water, such as the reservoirs in the City and, to an extent, Newport Harbor and Newport Bay, which could inundate adjacent and nearby areas surrounding the body of water. Coastal flood hazards, such as tsunamis and rogue waves, would inundate primarily the low-lying areas of the City's coastline. Potential risks from mudflow (i.e., mudslide, debris flow) are also prevalent, as steep slopes exist throughout the City. Prolonged rainfall during certain storm events would saturate and could eventually loosen soil, resulting in slope failure.

The City Hall Complex property is located within the limits of the 100-year zone for tsunami inundation at extreme high tide (i.e., inundation elevation = 13.64 feet). In order to ensure that potentially adverse effects associate with seiches and tsunamis are avoided, the Safety Element of the Newport Beach General Plan Update has established a goal to minimize adverse effects of coastal hazards related to tsunamis and rogue waves. As indicated in the GPEIR, implementation of Policies S 1.1 through S 1.5 would achieve this goal by identifying evacuation routes in areas susceptible to tsunami inundation, developing and implementing response plans for adoption by the City's emergency services, and maintaining beach width to provide protection against tsunami run-up, developing and implementing an educational program for people in susceptible areas, and supporting tsunami research. The Safety Element also includes a goal to minimize adverse effects of coastal hazards related to storm surges and seiches. Implementation of Policies S2.1 through S2.7 would achieve this goal by preparing impact reports for shoreline and coastal bluff areas that will be made available to applicants for new development, developing and implementing shoreline management plans, using sand dunes as shoreline protective structures, maintaining storm drains in low-lying areas such that flood waters can be effectively



conveyed away from structures, requiring residential structures to raise floor elevations, and enforcing policies that prohibit the construction of hard devices for protection of public property from storm surges. As a result, the GPEIR concluded risks associated with inundation by seiche, tsunami, and mudflow are considered to be less than significant following compliance with General Plan policies. Additional residential development was assumed to occur in the City, which was evaluated in the GPEIR. Therefore, implementation of the General Plan and CLUP Amendments and Zone Change proposed for the City Hall Complex would be consistent with the analysis presented in the GPEIR, and would result in no greater impacts than previously identified in that document.

Furthermore, future discretionary development proposed for the site would be required to undergo additional environmental and/or development review on a project-specific and would be assessed basis based upon the requirements and development standards prescribed in the NBMC, General Plan policies and other long-range plans and programs in order to ensure that future residential development is not adversely impacted by seiches, tsunamis and/or other adverse coastal phenomenon. Because future redevelopment/reuse of the City Hall Complex property would be subject to further review and analysis and also be subject to compliance with General Plan policies, potential impacts involving inundation by seiche, tsunami, or mudflow would be less than significant.

Mitigation Measures: No mitigation is required.

4.10 LAND USE AND PLANNING

<i>Would the project:</i>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Physically divide an established community?			■	
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			■	
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?				■

Impact Analysis

4.10(a) *Physically divide an established community?*

Less Than Significant Impact. The City of Newport Beach is nearly built-out. Features that disrupt or divide established communities include such Implementation of the proposed project would provide the land use framework to permit future redevelopment/reuse of the City Hall Complex property. The proposed Land Use Element and Coastal Land Use Plan amendments and Zone Change would allow for future mixed use development to occur on the project site, which is located within Lido Village. The proposed land use and zoning amendments would allow for a variety of land uses, including residential, a hotel, retail, a community center and fire station, and open space. It is anticipated that future redevelopment/reuse of the City Hall Complex property permitted pursuant to the land use and zoning amendments would consist of infill development on a site designated for development, albeit “Public Facilities” uses, as reflected in the adopted Land Use Element of the Newport Beach General Plan. As previously indicated, reuse of the property would



include a mixed of land uses that are generally compatible with the development in the Lido Villa area. Therefore, future mixed use development pursuant to the proposed amendments would not physically divide an established community (i.e., Lido Village). Development permitted by the amendments was considered and addressed in the Lido Village Design Guidelines. Although the land use and zoning amendments propose to change existing land use designations that would result in increased densities on the subject property, the permitted uses would be compatible with the existing densities and intensities of use in the surrounding area, which include a mix of residential, commercial/restaurants, office, and public/institutional (i.e., churches), future reuse of the site as permitted by the proposed project would not divide an established community or result in incompatible land uses. As a result, no significant impacts will occur.

Mitigation Measures: No mitigation is required.

4.10(b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

Less Than Significant Impact. Development within the City of Newport Beach is required to comply with several regional and local land use plans, policies, and regulations. These include the 2003 Air Quality Management Plan, 1999 Amendment for Ozone, SCAG's Regional Comprehensive Plan and Guide, Santa Ana River Basin Plan, City of Newport Beach Zoning Code, Newport Beach CLUP, specific plans adopted by the City, and the John Wayne Airport Environs Land Use Plan (AELUP). Although the proposed land use and zoning amendments would allow for redevelopment/reuse of the City Hall Complex property with mixed uses rather than public facilities as currently permitted, the proposed changes do not conflict with these long-range adopted plans, which are intended to accommodate a "balance" of land uses throughout the City of Newport Beach. However, the proposed amendments would replace the currently adopted land use regulations for the subject property; however, they would not supersede any other regulations or requirements adopted or imposed by the City, the State of California, or any federal agency that has jurisdiction by law over uses and development. There would be no impact in this regard.

The *Newport Beach General Plan* is consistent with the 2003 Air Quality Management Plan and SCAG's Regional Comprehensive Plan and Guide, with the exception of mitigating traffic volumes on freeway ramps. The *General Plan* is also consistent with the Santa Ana Basin Plan, since all future development is required to comply with all applicable water quality requirements established by the Santa Ana and San Diego Regional Water Quality Control Boards (RWQCB) and State Water Resources Control Boards (SWRCB). The amendments to the City's Land Use Element and Coastal Land Use plan and the proposed Zone Change would not allow for redevelopment/reuse of the project site that would conflict with these regional plans and programs and such redevelopment/reuse would be within the long-range projections forecast for traffic and circulation, air quality, noise and related environmental issues.

The City of Newport Beach Zoning Code (NBMC Title 20, *Planning and Zoning*) is the means by which the General Plan, including the Land Use Element, is implemented. As a result of the General Plan Update in 2006, the City undertook a review of the Zoning Code, which resulted in modifications and changes to policies pertaining to land use, density/intensity, design and development, resource conservation, public safety, and other pertinent topics in an effort to ensure consistency between the General Plan and the Zoning Code. The Zoning Code Update was approved by the City of Newport Beach in 2010, and is the means by which the General Plan Land Use Element, including housing, is implemented. The proposed zone change would allow for a new land use classification (MU-H5), which would allow for mixed uses to replace the existing municipal offices of the City. However, the density and intensity of the land uses would not significantly exceed those of the existing City Hall Complex.



The Coastal Land Use Plan (CLUP) was prepared as required by the California Coastal Act of 1976. The CLUP sets forth goals, objectives, and policies that govern the use of land and water in the coastal zone within the City of Newport Beach. Similar to the zone change, the City Hall Complex will be designated as Mixed Use in order to accommodate a range of residential, hotel, retail, community center, fire station, and open space uses as contemplated in the Lido Village planning area. Similarly, densities and intensities permitted by the land use amendments would not significantly alter the long-range plans and programs, including those adopted for Lido Village.

The Airport Environs Land Use Plan (AELUP) for John Wayne Airport contains policies that govern the land uses surrounding the airport. These policies establish development criteria that protect sensitive receptors from airport noise, persons from risk of operations, and height guidelines to ensure aircraft safety. The AELUP establishes height restrictions for buildings surrounding John Wayne Airport and establishes a 65 dBA CNEL noise contour in which residential uses should not be constructed. *The Newport Beach General Plan* was determined to be consistent with the AELUP. The project site is located approximately 2.0 miles south of John Wayne Airport (JWA). However, the 4.26-acre property is not located within the AELUP Notification Area (i.e., FAR Part 77) for JWA. The site is not located within the jurisdiction of the AELUP, so there is no statutory requirement to request a determination from the ALUC. Furthermore, the site is not within a JWA safety zone nor is it subject to high noise levels from JWA nor is it within a JWA notification area. Existing and future development of the project site would not be above 200 feet above the ground surface, nor is it subject to any aviation easements established for JWA. The attached graphic is a City representation of the safety zones, high noise zones and the notification area. Any structure outside of the notification area that is above 200 feet from the existing grade is subject to FAA jurisdiction. Because future structures would be located at 55/65 feet from existing grade on the City Hall Complex property, they would be located outside each of the AELUP areas. As a result, neither the proposed land use and zoning amendments nor future development of the site in accordance with the development standards are not subject to either ALUC or FAA review.

Therefore, impacts associated with potential inconsistencies with all other applicable land use plans for the City would be less than significant. The proposed project does not include a specific development project, but instead, only provides a framework for the future redevelopment/reuse of the City Hall Complex property. Mixed use development permitted pursuant to the Land Use Element and Coastal Land Use Plan amendments and the Zone Change would be consistent with the relevant long-range plans and policies adopted by the City of Newport Beach, as reflected in the analysis presented below. Therefore, approval of the proposed project would not result in any potentially significant impacts associated with adopted policies.

Table 4.10-1

**General Plan Policy Consistency
Newport Beach City Hall Reuse Project**

Policy No.	General Plan Policy ¹	Consistency Analysis
Land Use Element		
LU 1.1	Maintain and enhance the beneficial and unique character of the different neighborhoods, business districts, and harbor that together identify Newport Beach. Locate and design development to reflect Newport Beach's topography, architectural diversity, and view sheds.	The proposed project includes amendments to the Land Use Element and CLUP that would allow redevelopment/reuse of the City Hall Complex property with mixed uses. The development standards in the zone change address development limits, permitted uses, building height, etc., and are intended to ensure that development on the subject property is consistent and compatible with the existing development in the project environs (i.e., Lido Village). In addition, future redevelopment/reuse must comply with the Lido Village Design Guidelines, which encompasses the project site. Adherence to the adopted guidelines will ensure that future redevelopment/reuse of the site is compatible with the existing and future land uses. The



Policy No.	General Plan Policy ¹	Consistency Analysis
		integration of open space, plazas and promenades, roadway improvements, landscaping and other features will help create the environment desired and articulated by the City for Lido Village.
LU 1.2	While recognizing the qualities that uniquely define its neighborhoods and districts, promote the identity of the entire City that differentiates it as a special place within the Southern California region.	The area in which the site is located is characterized by a variety of residential, commercial, office, and other uses that reflect a range of densities and a variety of architectural styles, which contribute to the unique character of the City. As indicated previously, the types and intensities of the future uses that may be proposed on the City Hall Complex property and architectural character must comply with the land use parameters, zoning and design guidelines, which will ensure compatibility with the variety of densities and styles within the Newport Beach Lido Village area.
LU 1.3	Protect the natural setting that contributes to the character and identify of Newport Beach and the sense of place it provides for its residents and visitors. Preserve open space resources, beaches, harbor, parks, bluffs, preserves, and estuaries as visual, recreational and habitat resources.	Future redevelopment/reuse of the City Hall Complex property will be developed in accordance with all applicable land use goals, objectives and policies as well as pursuant to the Lido Village Design Guidelines to ensure that the character and quality of development is appropriate and consistent and compatible with the surrounding areas. Although no natural resources exist on the property, the visual quality and aesthetic character of the project environs will be preserved and enhanced through the integration of architectural features, open space amenities and other amenities as determined appropriate for the project site.
LU 1.4	Implement a conservative growth strategy that enhances the quality of life of residents and balances the needs of all constituencies with the preservation of open space and natural resources.	The proposed density and intensity of use is considered conservative as it provides for growth while not creating any significant impacts to traffic, infrastructure, or natural resources, or result in the significant diminishment of open space or public views. The land use amendments and changes will enable the City to achieve long-range goals and objectives of preserving the community's unique character through innovative design techniques and balance the land use inventory in the City by providing mixed uses, including open space and related amenities, which are compatible with the long range goals and objectives.
LU 1.5	Encourage a local economy that provides adequate commercial, office, industrial, and marine-oriented opportunities that provide employment and revenue to support high-quality community services.	As indicated above, the mixed use development anticipated to occur on the City Hall Complex property will provide a balance of land uses, including a combination of residential, a hotel, community center, retail, and open space that will generate revenue to the City and provide employment and housing opportunities within Newport Beach.
LU 1.6	Protect and, where feasible, enhance significant scenic and visual resources that include open space, mountains, canyons, ridges, ocean, and harbor from public vantage points.	Compliance with the Lido Village Design Guidelines will ensure that the visual quality and aesthetic character not only of the site but also within the viewshed would not be compromised.
LU 2.1	Accommodate uses that support the needs of Newport Beach's residents including housing, retail, services, employment, recreation, education, culture, entertainment, civic engagement, and social and spiritual activity that are in balance with community natural resources and open spaces.	Refer to LU 1.4 and LU 1.5. The proposed land use and zoning amendments will provide future opportunities for either housing or visitor accommodations, employment, and open space amenities as well as areas for a fire station to balance the needs of the community.
LU 2.3	Provide opportunities for the development of residential units that respond to community and regional needs in terms of density, size, location, and cost. Implement goals, policies, programs, and objectives identified within the City's Housing Element.	The proposed MU-H5 land use designation will accommodate multiple-family residential dwelling units on the City Hall Complex property, which may provide for additional rental housing opportunities in the City of Newport Beach, consistent with the goals and objectives articulated in the Housing Element Update, which calls for a variety of residential types and densities in order to serve a range of economic segments.
LU 2.4	Accommodate uses that maintain or enhance Newport Beach's fiscal health and account for market demands, while maintaining and improving the quality of life for	The MU-H5 land use designation is intended to accommodate a variety of land uses, including residential, commercial/retail, hotel, community center and open space.



Policy No.	General Plan Policy ¹	Consistency Analysis
	current and future residents.	This mix of uses, which includes those that would generate revenue, is intended to supplement the City's ability to provide adequate services and facilities.
LU 2.6	Provide uses that serve visitors to Newport Beach's ocean, harbor, open spaces, and other recreational assets, while integrating them to protect neighborhoods and residents.	Approval of the proposed land use and zoning amendments would allow for visitor-serving uses, including a potential hotel, retail, and open space uses that could be integrated with residential development.
LU 3.2	Enhance existing neighborhoods, districts, and corridors, allowing for reuse and infill with uses that are complementary in type, form, scale, and character. Changes in use and/or density/intensity should be considered only in those areas that are economically under-performing, are necessary to accommodate Newport Beach's share of projected regional population growth, improve the relationship and reduce commuting distance between home and jobs, or enhance the values that distinguish Newport Beach as a special place to live for its residents. The scale of growth and new development shall be coordinated with the provision of adequate infrastructure and public services, including standards for acceptable traffic level of service.	<p>The character of the future redevelopment/reuse must be compatible with the existing land uses and development intensities prescribed in the land use and zoning amendments as well as with the Lido Village Design Guidelines. Future project(s) will be designed to be compatible with the existing residential, commercial, and other uses that exist in the vicinity of the project site.</p> <p>The area in which the project is located is adequately served by existing infrastructure, including circulation, sewer, water, and storm drainage systems. As a result, project implementation will not adversely affect those systems or the provision of adequate service to nearby development. Future redevelopment/reuse of the subject property would also result in improvements to circulation and would also incorporate open space, including plazas and promenades to accommodate future visitors to the site. The site character would accommodate a variety of site design, architectural techniques, and landscaping intended to improve the visual quality and aesthetic character of the site when viewed from the surrounding area.</p>
LU 4.1	Accommodate land use development consistent with the Land Use Plan.	The proposed project includes amendments to the Newport Beach Land Use Element and CLUP as well as a zone change, which would allow for mixed uses when the site is redeveloped in the future. However, as indicated previously, the permitted uses will be consistent with and complementary to the surrounding land uses and would not result in a significant departure from the long-range plans adopted by the City for Lido Village, which includes the City Hall Complex property.
LU 5.1.2	Require that the height of development in nonresidential and higher density residential areas transition as it nears lower density residential areas to minimize conflicts at the interface between the different types of development.	<p>With the exception of a single low intensity/density mixed use building south of the site, no lower density residential areas are located in the immediate vicinity of the City Hall Complex property. As previously indicated, the surrounding area is developed with a mix of commercial development (i.e., retail, office and restaurants), a gas station and churches. In addition, a multiple-family residential development also exists east of Via Oporto, which is designated for multi-Unit Residential. Several taller residential and commercial buildings are also located in the vicinity of the project site and taller development would not create a conflict with lower density residential areas on the Balboa Peninsula.</p> <p>Although the MU-H5 zoning proposed for the City Hall Complex property would allow development up to 55 feet high with architectural features as tall as 65 feet, future development would be designed to comply with the Lido Village Design Guidelines, which address site design, building architecture, massing, and other parameters to ensure that non-residential development is designed to be sensitive to nearby residential development and to avoid land use conflicts.</p>
5.1.9	Require that multi-family dwellings be designed to convey a high quality architectural character in	Although this policy is intended for multiple-family residential development in multi-unit districts, design of



Policy No.	General Plan Policy ¹	Consistency Analysis
	<p>accordance with the following principles (other than the Newport Center and Airport Area, which are guided by Goals 6.14 and 6.15, respectively, specific to those areas):</p> <p><u>Building Elevations</u></p> <ul style="list-style-type: none"> ▪ Treatment of the elevations of buildings facing public streets and pedestrian ways as the principal façades with respect to architectural treatment to achieve the highest level of urban design and neighborhood quality ▪ Architectural treatment of building elevations and modulation of mass to convey the character of separate living units or clusters of living units, avoiding the appearance of a singular building volume ▪ Provide street- and path-facing elevations with high-quality doors, windows, moldings, metalwork, and finishes <p><u>Ground Floor Treatment</u> Where multi-family residential is developed on large parcels such as the Airport Area and West Newport Mesa:</p> <ul style="list-style-type: none"> ▪ Set ground-floor residential uses back from the sidewalk or from the right-of-way, whichever yields the greater setback to provide privacy and a sense of security and to leave room for stoops, porches and landscaping ▪ Raise ground-floor residential uses above the sidewalk for privacy and security but not so much that pedestrians face blank walls or look into utility or parking spaces ▪ Encourage stoops and porches for ground-floor residential units facing public streets and pedestrian ways ▪ Where multi-family residential is developed on small parcels, such as the Balboa Peninsula, the unit may be located directly along the sidewalk frontage and entries should be setback or elevated to ensure adequate security <p><u>Roof Design</u></p> <ul style="list-style-type: none"> ▪ Modulate roof profiles to reduce the apparent scale of large structures and to provide visual interest and variety. <p><u>Parking</u></p> <ul style="list-style-type: none"> ▪ Design covered and enclosed parking areas to be integral with the architecture of the residential units' architecture. <p><u>Open Space and Amenity</u></p> <ul style="list-style-type: none"> ▪ Incorporate usable and functional private open space for each unit. ▪ Incorporate common open space that creates a pleasant living environment with opportunities for recreation. 	<p>future multi-family residential will comply not only with this land use policy as well as those articulated and prescribed in the Lido Village Design Guidelines, which identify development guidelines for the City Hall redevelopment/reuse at address: property edge treatment, building orientation and planning, building form and massing, façade treatments, roof considerations, materials and applications, door treatments, building signage, architectural lighting, parking structures, streetscape, open space plazas and courtyards, exterior features and amenities, architecture and landscape architecture to ensure that the future redevelopment/reuse of the City Hall Complex property meets the long-range goals, objectives and policies of the Newport Beach General Plan. In addition, the Lido Village Design Guidelines specify guidelines for sustainability</p>
5.2.1	<p>Require that new development within existing commercial districts centers and corridors complement existing uses and exhibit a high level of architectural and site design in consideration of the following principles:</p> <ul style="list-style-type: none"> ▪ Seamless connections and transitions with existing buildings, except where developed as a free-standing building ▪ Modulation of building masses, elevations, and rooflines to promote visual interest ▪ Architectural treatment of all building elevations, including ancillary facilities such as storage, truck loading and unloading, and trash enclosures 	<p>Refer to Policy 5.1.9. As previously indicated, these future redevelopment/reuse of the City Hall Complex property will comply with this policy through the integration of the design guidelines prescribed in the Lido Village Design Guidelines for the City Hall.</p>



Policy No.	General Plan Policy ¹	Consistency Analysis
	<ul style="list-style-type: none"> ▪ Treatment of the ground floor of buildings to promote pedestrian activity by avoiding long, continuous blank walls, incorporating extensive glazing for transparency, and modulating and articulating elevations to promote visual interest ▪ Clear identification of storefront entries ▪ Incorporation of signage that is integrated with the buildings' architectural character ▪ Architectural treatment of parking structures consistent with commercial buildings, including the incorporation of retail in the ground floors where the parking structure faces a public street or pedestrian way ▪ Extensive on-site landscaping, including mature vegetation to provide a tree canopy to provide shade for customers ▪ Incorporation of plazas and expanded sidewalks to accommodate pedestrian, outdoor dining, and other activities ▪ Clearly delineated pedestrian connections between business areas, parking, and to adjoining neighborhoods and districts (paving treatment, landscape, wayfinding signage, and so on) ▪ Integration of building design and site planning elements that reduce the consumption of water, energy, and other nonrenewable resources 	
LU 5.3.1	<p>Require that mixed-use buildings be designed to convey a high level of architectural and landscape quality and ensure compatibility among their uses in consideration of the following principles:</p> <ul style="list-style-type: none"> ▪ Design and incorporation of building materials and features to avoid conflicts among uses, such as noise, vibration, lighting, odors and similar impacts ▪ Visual and physical integration of residential and nonresidential uses ▪ Architectural treatment of building elevations and modulation of their massing ▪ Separate and well-defined entries for residential units and nonresidential businesses ▪ Design of parking areas and facilities for architectural consistency and integration among uses ▪ Incorporation of extensive landscape appropriate to its location; urbanized streetscapes, for example, would require less landscape along the street frontage but integrate landscape into interior courtyards and common open spaces 	<p>Future redevelopment/reuse of the City Hall Complex property will be subject not only to this policy, which prescribes the integration of a "high level of architectural and landscape quality" but also to the Lido Village Design Guidelines, which prescribe more specific site design, architecture, landscape architecture, and related principles to ensure that the visual quality and aesthetic character of the project area are maintained and enhanced.</p>
5.3.2	<p>Require that 100 percent of the ground floor street frontage of mixed-use buildings be occupied by retail and other compatible nonresidential uses, unless specified otherwise by policies LU 6.1.1 through LU 6.20.6 for a district or corridor.</p>	<p>Future redevelopment/reuse of the subject property will be guided by the land use and zoning amendments, which include retail uses within the mixed use land use designation and zoning.</p>
5.3.3	<p>Require that properties developed with a mix of residential and nonresidential uses be designed to achieve high levels of architectural quality in accordance with policies LU 5.1.9 and LU 5.2.1 and planned to ensure compatibility among the uses and provide adequate circulation and parking. Residential uses should be seamlessly integrated with nonresidential uses through architecture, pedestrian walkways, and landscape. They should not be completely isolated by walls or other design elements.</p>	<p>The major objective of the Lido Village Design Guidelines is to "... create a vibrant gateway Village in the heart of historic Newport Beach's Balboa Peninsula. A synergy of uses with boutique retail, office, entertainment, residential, and public use elements will be thoughtfully assembled into a unique Coastal California Destination." In addition, it is also the intent of the Guidelines to provide guidance to preserve and enhance the visual character and aesthetic quality within Lido Village, including the City Hall Complex property. Compliance with the applicable guidelines will ensure that</p>



Policy No.	General Plan Policy ¹	Consistency Analysis
		these objectives are achieved, consistent with the policy of the City's Land Use Element.
5.3.4	Require that sufficient acreage be developed for an individual use located in a district containing a mix of residential and nonresidential uses to prevent fragmentation and ensure each use's viability, quality, and compatibility with adjoining uses.	The 4.26-acre property encompasses a single parcel that will be designated for mixed use if the land use and zoning amendments are approved by the City, enabling future redevelopment/reuse of the site in accordance with the development standards prescribed by the MU-H5 zoning. The property is located within a mixed use area that is characterized by a variety of residential and non-residential land uses, including commercial/retail, restaurant, churches and other non-residential uses. It is the City's intent through the implementation of the proposed land use and zoning amendments a single, cohesive and integrated mixed use development composed of a combination of uses that may include multi-unit residential, a hotel, community center, retail, and open space that will not only be compatible with the existing land uses but also consistent with the long-range goals and objectives of the General Plan to provide a viable balance of uses that provide for housing, employment, and other open space that are not only compatible with but also serve the community.
5.3.5	Require that buildings located in pedestrian-oriented commercial and mixed-use districts (other than the Newport Center and Airport Area, which are guided by Goals 6.14 and 6.15, respectively, specific to those areas) be designed to define the public realm, activate sidewalks and pedestrian paths, and provide "eyes on the street" in accordance with the following principles: <ul style="list-style-type: none"> ▪ Location of buildings along the street frontage sidewalk, to visually form a continuous or semi-continuous wall with buildings on adjacent parcels ▪ Inclusion of retail uses characterized by a high level of customer activity on the ground floor; to insure successful retail-type operations, provide for transparency, elevation of the first floor at or transitioning to the sidewalk, floor-to-floor height, depth, deliveries, and trash storage and collection ▪ Articulation and modulation of street-facing elevations to promote interest and character ▪ Inclusion of outdoor seating or other amenities that extend interior uses to the sidewalk, where feasible ▪ Minimization of driveways that interrupt the continuity of street facing building elevations, prioritizing their location to side streets and alleys where feasible 	Refer to LU 5.2.1 and LU 5.3.1.
5.3.6	Require that adequate parking be provided and is conveniently located to serve tenants and customers. Set open parking lots back from public streets and pedestrian ways and screen with buildings, architectural walls, or dense landscaping.	Parking for future redevelopment/reuse of the City Hall Complex property will be subject to the City's current parking code. In addition, the design of the parking would be guided by the relevant General Plan policies (refer to LU 5.1.9, LU 5.3.1 and the relevant parking requirements prescribed in the Lido Village Design Guidelines. Finally, parking provided for the future redevelopment/reuse plan for the project site would also be subject to review and approval by the City.
LU 6.9.1	Encourage uses that take advantage of Lido Village's location at the Harbor's turning basin and its vitality and pedestrian character, including visitor-serving and retail commercial, small lodging facilities (bed and breakfasts, inns), and mixed-use buildings that integrate residential with retail uses [areas designated as "MU-W2", Subarea "A"]. A portion of the Harbor frontage and interior parcels (Subarea "B") may also contain multi-family residential [designated as "RM(20/ac)"], and the parcel adjoining the Lido Isle Bridge, a recreational and marine	The proposed land use and zoning amendments address the location of the City Hall Complex property within the Lido Village District and take advantage of the location by permitting a variety of land uses, including residential, a hotel, community center, retail, and open space. Although not harbor frontage, the site could accommodate up to 99 multi-unit residences, in addition to the other non-residential uses permitted by the proposed zoning.



Policy No.	General Plan Policy ¹	Consistency Analysis
	commercial use [designated as “CM(0.3)”].	
LU 6.9.2	Discourage the development of new office uses on the ground floor of buildings that do not attract customer activity to improve the area’s pedestrian character.	Office development is not included in the list of mixed uses permitted by the land use and zoning amendments. However, the site would be designed to accommodate and facilitate pedestrian activities by incorporate open space with plazas, promenades and related amenities.

In addition to the Land Use Element Amendment, the City is also proposing to amend the Coastal Land Use Plan to accommodate mixed use development on the City Hall Complex property in place of the public facilities for which it is currently designated. Table 4.10-2 provides a discussion of the relevant CLUP policies and relationship of the proposed project to each of those policies.

Table 4.10-2

**Coastal Land Use Plan Policy Analysis
Newport Beach City Hall Reuse Project**

Policy No.	CLUP Policy	Consistency Analysis
Land Use		
2.1.5-2	Encourage uses that take advantage of Lido Village’s location at the Harbor’s turning basin and its vitality and pedestrian character, including visitor-serving and retail commercial, small lodging facilities (bed and breakfasts, inns), and mixed-use buildings that integrate residential above the ground floor with retail uses.	The proposed land use and zoning amendments will allow for mixed use development on the City Hall Complex property, including retail, multi-family residential, a hotel, community center and open space, including visitor-serving uses (e.g., hotel, visitor-serving retail, and open space).
2.1.5-3	Discourage the development of new office uses on the ground floor of buildings in Lido Village that do not attract customer activity to improve the area’s pedestrian character.	Although office uses are included as a permitted use in the proposed MU land use designation, future redevelopment/reuse of the subject property would be subject to site-specific review to ensure that the proposed land use is consistent and compatible with the all relevant goals and objectives as well as policies adopted by the City of Newport Beach.
2.1.5-6	Allow retail and visitor-serving commercial along the Newport Boulevard Corridor consistent with the CV category.	The proposed land use and zoning amendments will accommodate visitor-serving commercial (i.e., retail) as future redevelopment/reuse of the City Hall Complex property.
2.1.9-1	Land uses and new development in the coastal zone shall be consistent with the Coastal Land Use Plan Map and all applicable LCP policies and regulations.	The City is proposing to amend the CLUP Map to replace the “PF” (Public Facilities) land use designation with the “MU” (Mixed Use) designation on the City Hall Complex property in order to accommodate a variety of uses, including multi-unit residential, retail, a hotel, community center, and open space. With the relocation of the existing municipal offices, redevelopment/reuse of the City Hall Complex property will allow the City to facilitate the physical and economic revitalization of the project site through the provision of housing and employment opportunities, open space, and other amenities that will accommodate and serve the community.
General Development Policies		
2.2.1-1	Continue to allow redevelopment and infill development within and adjacent to the existing developed areas in the coastal zone subject to the density and intensity limits and resource protection policies of the Coastal Land Use Plan.	Project implementation will allow for the future redevelopment/reuse of the City Hall Complex property as “infill” development within the larger Lido Village district, which is developed with and characterized by a variety of residential and non-residential land uses. Future redevelopment/reuse of the subject property is intended to



Policy No.	CLUP Policy	Consistency Analysis
		be consistent and compatible with the existing uses in the project area. Furthermore, such future land uses would be consistent with the relevant policies articulated in the CLUP.
2.2.1-2	Require new development be located in areas with adequate public services or in areas that are capable of having public services extended or expanded without significant adverse effects on coastal resources.	The City Hall Complex property is located in an area of the City of Newport Beach that is adequately served by a range of public services and utilities, including police and fire protection; circulation; sewer, water and storm drains; and electricity and natural gas. Adequate service will continue to be provided to the mixed land uses that would be proposed in the future. The provision of those public services and utilities will not result in any significant adverse effects on coastal resources.
2.2.2-4	Implement building design and siting regulations to protect coastal resources and public access through height, setback, floor area, lot coverage, building bulk, and other property development standards of the Zoning Code intended to control building placement, height, and bulk.	Future redevelopment reuse of the City Hall Complex property will be subject to the proposed "MU-LV" (Mixed Use – Lido Village) zoning district regulations, which are intended to facilitate a variety of land uses. Most importantly, such site development must comply with the Lido Village Design Guidelines, which include site design, building massing and height, architecture and landscape architecture, lighting, open space amenities, etc. Finally, future redevelopment/reuse of the subject property is subject to the approval of a Coastal Development Permit (CDP).
Commercial Development		
2.3.1-1	Permit visitor-serving retail and eating and drinking establishments in all commercially designated areas.	The proposed land use and zoning amendments permit up to 15,000 square feet of commercial development or a hotel development that would typically include accessory eating and drinking and retail uses..
2.3.1-5	Land uses and new development in the coastal zone shall be consistent with the Coastal Land Use Plan Map and all applicable LCP policies and regulations.	The proposed project is an amendment of the land use plan map and related policies and would not directly authorize development. Future development would be consistent with the amended land use plan map and LCP policies. Future redevelopment/reuse of the City Hall Complex property will also be subject to all applicable design guidelines prescribed in the Lido Village Design Guidelines, including those related to site design, architecture/character, landscape architecture, access, parking, etc., to ensure that such future reuse of the subject property is consistent and compatible with the character established for Lido Village.
2.4.1-3	Discourage re-use of properties that result in the reduction of coastal-dependent commercial uses. Allow the re-use of properties that assure coastal-dependent uses remain, especially in those areas with adequate infrastructure and parcels suitable for redevelopment as an integrated project.	No coastal dependent commercial use presently occupies the site. A variety of land uses is permitted in the proposed Mixed Use (MU) land use designation, including visitor-serving commercial and uses that may be coastal-dependent.
Residential Development		
2.7-1	Continue to maintain appropriate setbacks and density, floor area, and height limits for residential development to protect the character of established neighborhoods and to protect coastal access and coastal resources.	The site does not provide access to the bay or beach or other coastal resources, nor does it contain coastal resources as the site is a developed municipal office complex. The proposed amendment in conjunction with the proposed MU-LV zoning district regulations provide appropriate development controls to ensure that established neighborhoods, coastal access and coastal resources are protected. All future redevelopment/reuse of the City Hall Complex property would also be subject to the Lido Village Design Guidelines and other relevant codes and/or ordinances to ensure future development of the site is compatible with surrounding uses.
Hazards and Protective Devices		
2.8.7-2	Require new development to provide adequate drainage	The project site is not located in the vicinity of a water



Policy No.	CLUP Policy	Consistency Analysis
	and erosion control facilities that convey site drainage in a non-erosive manner in order to minimize hazards resulting from increased runoff, erosion and other hydrologic impacts to streams.	course/drainage. However, as required by the NPDES permit, a SWPPP will be prepared and will establish both structural and non-structural BMPs in order to reduce sedimentation and erosion during the construction phase for future redevelopment/reuse of the City Hall Complex property. Measures will be incorporated in the grading/erosion control plans submitted to the City of Newport Beach that comply with NPDES requirements. In addition, future plans for redevelopment/reuse of the project site would also be required to prepare a WQMP, which must include long-term BMPs to address post-development water quality conditions.
2.8.7-3	Require applications for new development, where applicable (i.e., in areas of known or potential geologic or seismic hazards), to include a geologic/soils/geotechnical study that identifies any geologic hazards affecting the proposed project site, any necessary mitigation measures, and contains a statement that the project site is suitable for the proposed development and that the development will be safe from geologic hazard. Require such reports to be signed by a licensed Certified Engineering Geologist or Geotechnical Engineer and subject to review and approval by the City.	With the exception of the potential effects of moderate to strong seismic shaking, the subject property is not located in an area characterized by potential coastal hazards. Preliminary geotechnical design parameters for the future redevelopment/reuse of the City Hall Complex property would be based on subsurface exploration and laboratory testing of the site soils as required in a preliminary geotechnical investigation. Structures proposed in the future would be constructed based on those design parameters as well as parameters prescribed in the California Building Code and related City codes and standards for such development.
Transportation		
2.9.3-1	Site and design new development to avoid use of parking configurations or parking management programs that are difficult to maintain and enforce.	Refer to LU 5.1.9, 5.3.1 and 5.3.6 in Table 4.10-1.
2.9.3-2	Continue to require new development to provide off-street parking sufficient to serve the approved use in order to minimize impacts to public on-street and off-street parking available for coastal access.	Refer to LU 5.1.9, 5.3.1 and 5.3.6 in Table 4.10-1.
2.9.3-3	Require that all proposed development maintain and enhance public access to the coast by providing adequate parking pursuant to the off-street parking regulations of the Zoning Code in effect as of October 13, 2005.	The project site does not provide direct coastal access and future development will be required to provide adequate parking.
2.9.3-5	Continue to require off-street parking in new development to have adequate dimensions, clearances, and access to insure their use.	The parking provided for any future redevelopment/reuse of the subject property must meet the minimum requirements for dimensions and clearance and other parameters established in the City's parking code, including ingress and egress, etc..
Shoreline and Bluff Top Access		
3.1.1-11	Require new development to minimize impacts to public access to and along the shoreline.	Although the subject property is located within the City's coastal zone, it is not located along the Newport Beach shoreline and, therefore, would not deter coastal access in any way.
3.1.1-26	Consistent with the policies above provide maximum public access from the nearest public roadway to the shoreline and along the shoreline with new development except where (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources or (2) adequate access exists nearby.	As indicated above, direct shoreline access from the subject property does not exist.
3.2.1-3	Provide adequate park and recreational facilities to accommodate the needs of new residents when allowing new development.	The proposed project encompasses 4.26 acres that currently support the City Hall Complex. Future redevelopment/reuse of the property would include publically accessible open space in the form of plazas, promenades and other active or passive amenities that are intended to enhance the character of such future development and accommodate the open space needs of future residents and visitors to the site.



Policy No.	CLUP Policy	Consistency Analysis
Water Quality		
4.3.1-6	Require grading/erosion control plans to include soil stabilization on graded or disturbed areas.	The project applicant for future redevelopment/reuse of the City Hall Complex property is required to prepare and implement BMPs pursuant to the SWPPP that will be required prior to the issuance of the grading permit for the proposed project. Implementation of these construction BMPs will ensure that grading/erosion control measures are implemented. These measures are intended to minimize erosion and stabilize the site during grading. As indicated above, the applicant will also be required to implement BMPs to ensure that point source and non-point source pollutants are minimized during construction.
4.3.1-7	Require measures to be taken during construction to limit land use disturbance activities such as clearing and grading, limiting cut-and-fill to reduce erosion and sediment loss, and avoiding steep slopes, unstable areas, and erosive soils. Require construction to minimize disturbance of natural vegetation, including significant trees, native vegetation, root structures, and other physical or biological features important for preventing erosion or sedimentation.	In accordance with the WQMP and SWPPP requirements, BMPs will be required as part of future redevelopment/reuse of the City Hall Complex property in order to ensure that the potential discharge of pollutants of concern is minimized. The SWPPP that will be prepared and approved by the City of Newport Beach will ensure that all appropriate BMPs are implemented to ensure that potential construction-related water quality impacts are reduced to the maximum extent practicable.
4.3.2-3	Require that development not result in the degradation of coastal waters (including the ocean, estuaries and lakes) caused by changes to the hydrologic landscape.	Because the site has been altered and developed with the existing City Hall Complex, project implementation will not result in significant changes to the existing runoff conditions; however, because both construction and post-construction BMPs will be incorporated into the project design, it is anticipated that some improvement in the quality of the storm and related surface runoff emanating from the site will occur when compared to the existing runoff quality. As indicated above, the applicant of future redevelopment/reuse of the project site will be required prepare a SWPPP to ensure that surface discharges that occur during the construction phase to not degrade the receiving waters. The WQMP that must also be prepared for the project addresses treatment of the post-construction runoff. These plans must be approved by the City of Newport Beach.
4.3.2-5	Develop and maintain a water quality checklist to be used in the permit review process to assess potential water quality impacts.	The proposed project will comply with all of the requirements prescribed by the City, including the use of a water quality checklist, to ensure that the BMPs prescribed in the SWPPP and WQMP for a future project proposed for the City Hall Complex property are implemented and maintained.
4.3.2-7	Incorporate BMPs into the project design in the following progression: site design BMPs; source control BMPs, and treatment control BMPs. Include site design and source control BMPs in all developments. When the combination of site design and source control BMPs are not sufficient to protect water quality as required by the LCP or Coastal Act, structural treatment BMPs will be implemented along with site design and source control BMPs.	As previously indicated, a WQMP must be prepared to address water quality impacts associated with the future redevelopment/reuse of the City Hall Complex property. Site design BMPs will be incorporated into the drainage design, etc. In addition, other structural BMPs would also be incorporated into the project design in order to ensure that stormwater is adequately treated before being discharged into the harbor from the project site.
4.3.2-8	To the maximum extent practicable, runoff should be retained on private property to prevent the transport of bacteria, pesticides, fertilizers, pet waste, oil, engine coolant, gasoline, hydrocarbons, brake dust, tire residue, and other pollutants into recreational waters.	Consistent with this policy, future development of the site consistent with the proposed land use amendments will be required to incorporate BMPs that address on-site retention and treatment of surface runoff. The WQMP and SWPPP will include measures to prevent the discharge of pollutants into the storm drain system. Potential post-construction BMPs that may be implemented include storm filters, porous pavement, etc. The BMPs will ensure that runoff will be treated to prevent the continued degradation of Newport Bay. Future redevelopment/reuse of the City Hall Complex consistent with the proposed land use and zoning



Policy No.	CLUP Policy	Consistency Analysis
		amendments will result in an improvement to surface water quality because no or only limited treatment occurs at the present time.
4.3.2-11	Require new development to minimize the creation of and increases in impervious surfaces, especially directly connected impervious areas, to be maximum extent practicable. Require redevelopment to increase area of pervious surfaces, where feasible.	Project implementation may result in an increase in surface runoff when compared to the existing runoff volume associated with the existing City Hall facilities. As indicated above, future development/reuse of the subject property must not result in an increase in surface runoff. BMPs will be prescribed and incorporated into the design of a future project proposed on the City Hall Complex property to ensure that surface runoff is decreased and treated prior to being discharged from the site.
4.3.2-12	Require development to protect the absorption, purification, and retention functions of natural drainage systems that exist on the site, to the maximum extent practicable. Where feasible, design drainage and project plans to complement and utilize existing drainage patterns and systems, conveying drainage from the developed area of the site in a non-erosive manner. Disturbed or degraded natural drainage systems should be restored, where feasible.	Because the site and project area are developed, only minor changes will occur to the existing drainage systems that accommodate runoff from the site. Surface flows will most likely be directed in the same fashion and into the same existing drainage facilities that currently accept storm runoff generated on the site. Where necessary, additional facilities would be constructed on- and off-site to accommodate changes in runoff, depending on the design of the redevelopment/reuse project proposed for the City Hall Complex.
4.3.2-13	Site development on the most suitable portion of the site and design to ensure the protection and preservation of natural and sensitive site resources.	The site is generally devoid of natural and/or sensitive resources because it has been substantially altered by prior development for municipal offices and a fire station. It is anticipated that some additional pervious area of the property will be improved with structures and impervious surfaces. No important natural and/or sensitive site resources would be adversely affected by the proposed project. The minor increase in surface runoff attributed to site development would be treated prior to its ultimate discharge into Newport Bay to avoid potential impacts to the water quality in the Bay.
4.3.2-16	Require structural BMPs to be inspected, cleaned, and repaired as necessary to ensure proper functioning for the life of the development. Condition coastal development permits to require ongoing application and maintenance as is necessary for effective operation of all BMPs (including site design, source control, and treatment control).	The SWPPP and WQMP that will be prepared for future redevelopment/reuse of the City Hall Complex property will include a maintenance plan and program to ensure that the structural BMPs function effectively and efficiently and that surface runoff meets discharge requirements.
4.3.2-23	Require new development applications to include a Water Quality Management Plan (WQMP). The WQMP's purpose is to minimize to the maximum extent practicable dry weather runoff, runoff from small storms (less the 3/4" of rain falling over a 24-hour period) and the concentration of pollutants in such runoff during construction and post-construction from the property.	As previously indicated, a WQMP shall be prepared for a future project proposed on the subject property, which will include both structural and non-structural BMPs to treat surface runoff generated on the site based on the design of the redevelopment/reuse project.
Scenic and Visual Resources		
4.4.1-1	Protect and, where feasible, enhance the scenic and visual qualities of the coastal zone, including public views to and along the ocean, bay, and harbor and to coastal bluffs and other scenic coastal areas.	The project is not located along the ocean, bay or harbor and is devoid of coastal bluffs and other features identified by the City as important visual amenities.
4.4.1-2	Design and site new development, including landscaping, so as to minimize impacts to public coastal views.	Although several public viewpoints have been identified (refer to Section 4.1(a)), future redevelopment/reuse of the City Hall Complex property will not result in any significant impacts to existing views from those locations due to the distance from the viewpoints and as a result of the implementation of design guidelines prescribed in the Lido Village Design Guidelines. In addition, a Landscape Concept Plan will be prepared that incorporates a hierarchy of landscape materials, including mature trees, shrubs, and ground cover in a thematic approach to ensure that the



Policy No.	CLUP Policy	Consistency Analysis
		aesthetic integrity of the site is maintained and the character complements the coastal character of Lido Village and the coastal zone within which the site is located.
4.4.1-6	Protect public coastal views from the following roadway segments: Coast Highway/Newport Boulevard Bridge and Interchange.	Views from this vantage point will not be significantly altered as a result of project implementation. The development would not encroach into the viewscape from this Coastal View Road because of the landscaping and development that exists along the roadway, which blocks and/or filters views to the subject property.
4.4.1-7	Design and site new development, including landscaping, on the edges of public coastal view corridors, including those down public streets, to frame and accent public coastal views.	As previously indicated, future redevelopment/reuse of the City Hall Complex property will be designed in accordance with all applicable CLUP and General Plan policies as well as be consistent with the design guidelines prescribed in the Lido Village Design Guidelines to ensure that views within the coastal zone are not significantly altered (refer to Section 4.1(a)).
4.4.2-1	Maintain the 35-foot height limitation in the Shoreline Height Limitation Zone, as graphically depicted on Map 4-3.	Approval of the proposed land use and zoning amendments will increase the building height to 55 feet with architectural features allowed to 65 feet; however, any future redevelopment/reuse of the City Hall Complex property will be subject to review by the City to ensure that coastal views are not adversely impacted. The Shoreline Height Limitation zone would be maintained for other properties.
4.4.2-2	Continue to regulate the visual and physical mass of structures consistent with the unique character and visual scale of Newport Beach.	As previously indicated, the future redevelopment/reuse of the City Hall Complex property must comply with the development standards prescribed by the City, including building height, setback, etc. In addition, the such future reuse of the subject property must also be designed in accordance with the Lido Village Design Guidelines, which will ensure that redevelopment of the site will be consistent and compatible with the character within Lido Village.
4.4.3-12	Require development to protect the absorption, purification, and retention functions of natural drainage systems that exist on the site, to the maximum extent practicable. Where feasible, design drainage and project plans to complement and utilize existing drainage patterns and systems, conveying drainage from the developed area of the site in a non-erosive manner. Disturbed or degraded natural drainage systems should be restored, where feasible.	The site has been substantially altered by past development; however, on-site drainage will be designed to maximize the use of natural drainage systems. The BMPs identified in the WQMP that must be prepared for the future redevelopment/reuse of the City Hall Complex must identify water quality devices to treat stormwater generated on-site prior to its discharge into the harbor.
4.4.3-15	Design and site new development to minimize the removal of native vegetation, preserve rock outcroppings, and protect coastal resources.	The site has been substantially altered by development of the existing City Hall Complex and ancillary facilities. As a result, no significant rock outcroppings or other important visual amenities exist on the site. No native vegetation will be removed as a result of project implementation.
Paleontological and Cultural Resources		
4.5.1-1	Require new development to protect and preserve paleontological and archaeological resources from destruction, and avoid and minimize impacts to such resources. If avoidance of the resources is not feasible, require an <i>in situ</i> or site-capping preservation plan or a recovery plan for mitigating the effect of the development.	The proposed project includes only land use and zoning amendments that would permit the redevelopment/reuse of the existing City Hall Complex property, which has resulted in significant alteration of the existing site. Although it is not expected that significant cultural resources would be encountered on the site during grading and construction, numerous cultural resource sites have been encountered in some areas of the City. Furthermore, because the City is proposing a General Plan Amendment, the project is subject consultation with Native American representatives pursuant to SB 18. The City has initiated that consultation process. In addition, a cultural resources monitor will be available during grading to ensure that should such resources be encountered, appropriate measures will be implemented to protect artifacts and related materials.
4.5.1-2	Require a qualified paleontologist/archaeologist to monitor	A qualified archaeological/paleontological monitor will be



Policy No.	CLUP Policy	Consistency Analysis
	all grading and/or excavation where there is a potential to affect cultural or paleontological resources. If grading operations or excavations uncover paleontological/archaeological resources, require the paleontologist/archaeologist monitor to suspend all development activity to avoid destruction of resources until a determination can be made as to the significance of the paleontological/archaeological resources. If resources are determined to be significant, require submittal of a mitigation plan. Mitigation measures considered may range from in-situ preservation to recover and/or relocation. Mitigation plans shall include a good faith effort to avoid impacts to cultural resources through methods such as, but not limited to, project redesign, in situ preservation/capping, and placing cultural resources areas in open space.	contacted during the grading and landform alteration phase of any future redevelopment/reuse of the City Hall Complex property in the event that human remains, cultural resources and/or fossils are encountered during construction activities. In addition, a Native American will also have the opportunity to monitor the grading activities. Ground-disturbing excavations in the vicinity of the discovery shall be redirected or halted until the monitor has determined the significance of the resources.
4.5.1-3	Notify cultural organizations, including Native American organizations, of proposed developments that have the potential to adversely impact cultural resources. Allow qualified representatives of such groups to monitor grading and/or excavation of development sites.	Because the project requires the approval of a General Plan Amendment, the City has notified representatives of the appropriate Native American organizations as mandated by SB18. The site has been altered by grading and development that has occurred in the past; therefore, it is unlikely that potential impacts to cultural resources would occur; however, a qualified archaeological monitor will be available during grading.
4.5.1-4	Where <i>in situ</i> preservation and avoidance are not feasible, require new development to donate scientifically valuable paleontological or archaeological materials to a responsible public or private institution with a suitable repository, located within Orange County, whenever possible.	Consistent with this policy, any discovery of artifacts and/or resources, along with supporting documentation and an itemized catalogue, will be accessioned into the collections of a suitable repository.
4.5.1-5	Where there is a potential to affect cultural or paleontological resources, require the submittal of an archaeological/cultural resources monitoring plan that identifies monitoring methods and describes the procedures for selecting archaeological and Native American monitors and procedures that will be followed if additional or unexpected archaeological/cultural resources are encountered during development of the site. Procedures may include, but are not limited to, provisions for cessation of all grading and construction activities in the area of the discovery that has any potential to uncover or otherwise disturb cultural deposits in the area of the discovery and all construction that may foreclose mitigation options to allow for significance testing, additional investigation and mitigation.	As indicated above, it is not anticipated that cultural resources would be encountered based on the level of disturbance that has taken place on the site. However, should such resources be encountered during grading and construction, all grading will be halted or redirected to avoid impacts and allow proper evaluation and disposition of the resources.
Environmental Review		
4.6-1	Review all new development subject to California Environmental Quality Act (CEQA) and coastal development permit requirements in accordance with the principles, objectives, and criteria contained in CEQA, the State CEQA Guidelines, the Local Coastal Program, and any environmental review guidelines adopted by the City.	Any future redevelopment/reuse of the City Hall Complex property will be subject to further environmental review as determined necessary by the City of Newport Beach. In addition, such future reuse would also be subject to site specific review to ensure that the project is consistent with the CLUP and relevant environmental review guidelines.
4.6-3	Require a qualified City staff member, advisory committee designated by the City, or consultant approved by and under the supervision of the City, to review all environmental review documents submitted as part of an application for new development and provide recommendations to the appropriate decision-making official or body.	As indicated above, future redevelopment/reuse of the subject property will be subject to further environmental review as part of the City's development review process.

Mitigation Measures: No mitigation is required.



4.10(c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

No Impact. As previously indicated, the subject property is currently developed as the Newport Beach City Hall and municipal offices. As a result, the project site does not support either sensitive habitat and/or species. Furthermore, the property is not subject to a habitat conservation plan area or natural community conservation plan area. Therefore, no significant impacts are anticipated and no mitigation measures are required. Refer to Response 4.4(f).

Mitigation Measures: No mitigation is required.

4.11 MINERAL RESOURCES

<i>Would the project:</i>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				■
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				■

Impact Analysis

4.11(a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

No Impact. GPEIR Figure 4.5-4, *Mineral Resource Areas*, illustrates the City’s mineral resource areas. As indicated by Figure 4.5-4, the City does not have any land classified as MRZ-2 (i.e., areas with significant mineral deposits); rather, areas of potential mineral resources within the City are classified as mineral resource zones MRZ-1 (i.e., areas with no significant mineral deposits) and MRZ-3 (areas containing mineral deposits of undetermined significance). The City Hall Complex property is not located within either MRZ-1 or MRZ-3. The GPEIR concluded that General Plan implementation and buildout would not result in the loss of the availability of known mineral resources that would be of value to the region and the residents of the State, following compliance with General Plan policies and no impact would occur. Furthermore, as indicated above, the subject property has been substantially altered and developed with the municipal offices and is not located within an area identified as possessing any known mineral resources. Therefore, redevelopment/reuse of the City Hall Complex property permitted by the proposed land use and zoning changes would not result in the loss of availability of a known mineral resource. Therefore, no potentially significant impact will occur as a result of the proposed project.

Mitigation Measures: No mitigation is required.



4.11(b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

No Impact. Refer to Response 4.11(a). The City Hall Complex property is not located within any area of the City identified as possessing potential important mineral resources. Therefore, project implementation would not result in any loss of a locally important mineral resource. No impacts will occur and no mitigation measures are necessary.

Mitigation Measures: No mitigation is required.

4.12 NOISE

<i>Would the project:</i>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?		■		
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			■	
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?		■		
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			■	
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?			■	
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				■

Impact Analysis

4.12(a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Less than Significant Impact with Mitigation Incorporated. The proposed land use and zoning amendments do not include a specific development project, but instead, provide a framework for the potential redevelopment/reuse of the City Hall Complex property with mixed uses, including a combination of residential, retail, a hotel, community center and open space uses. Although no direct short- or long-term noise impacts would occur as a result of the proposed land use and zoning amendments, future redevelopment/reuse permitted under the proposed Mixed Use designation would involve demolition of the existing structures comprising the municipal offices and construction activities and operations necessary to implement the mixed use project, which would generate both short-term and long-term noise impacts. Short-term noise impacts could occur during demolition of the existing structures, grading/site preparation phase, and during construction of future uses proposed for the City Hall Complex site. Construction activities have the potential to



expose adjacent land uses to noise levels between 70 and 90 decibels at 50 feet from the noise source. Although construction activities associated with future development are anticipated to temporarily exceed the City's noise standards, the degree of noise impact would be dependent upon the distance between the construction activity and the noise sensitive receptor. Most importantly, however, construction activities, including demolition, grading and construction, are not regulated by the City's Community Noise Control Ordinance (Chapter 10.26 of the Municipal Code). Construction noise is regulated by Chapter 10.28 (Loud and Unreasonable Noise) and construction noise is prohibited during evening and nighttime hours and prohibited on Sundays.

Long-term noise impacts would be associated with vehicular traffic to/from the site (including residents, visitors, patrons), outdoor activities, and stationary mechanical equipment on site. However, the GPEIR concluded the exposure of existing land uses to noise levels in excess of City standards as a result of the future growth under the General Plan is considered a significant impact. Future buildout of the City based on the Land Use Element was considered in the GPEIR analysis as well as in the analysis conducted for the proposed City Hall Complex Relocation project. Although that project did not anticipate demolition and construction of new buildings on the subject site, it did anticipate reuse of the existing City Hall Complex site with public facilities.

As required by the City of Newport Beach, future discretionary residential development would undergo environmental and/or development review on a project-specific basis based upon the requirements prescribed in the NBMC, General Plan, and other relevant long-range plans and programs adopted by the City in order to ensure that noise standards are not exceeded. Furthermore, future residential development would be required to comply with City, State, and Federal guidelines regarding vehicle noise, roadway construction, and noise abatement and insulation standards. This would ensure that noise levels in Newport Beach are maintained within acceptable standards that prevent extensive disturbance, annoyance, or disruption. Individual assessments of potential impacts from project-related noise sources may be required. If necessary, mitigation would be required to reduce potential impacts to a less than significant level. Additionally, the City's Zoning Code was revised to include standards and requirements intended to avoid or mitigate noise impacts. Specifically, the NBMC now includes provisions for the review of proposed projects to avoid or mitigate impacts, establishes thresholds of significance pursuant to the Noise Element, and promotes compatibility between land uses. As a result of these revisions, future redevelopment/reuse proposed for the City Hall Complex property pursuant to the land use and zoning changes must comply with the standards within NBMC Chapters 10.26. Future development would also be subject to compliance with General Plan Policies N 1.1 to N 1.8 and N 2.1 to N 2.6, which would serve to reduce noise impacts to future land uses. Given that future development would undergo project-specific review, be regulated by NBMC requirements, and be subject to compliance with General Plan policies, potential impacts involving the exposure of persons to or generation of noise levels in excess of standards would be less than significant.

Standard Conditions

- SC 4.12-1 To ensure compliance with Newport Beach Municipal Code Section 10.28.040, grading and construction plans for future redevelopment/reuse of the City Hall Complex property shall include a note indicating that loud noise-generating Project construction activities (as defined in Section 10.28.040 of the Newport Beach Noise Ordinance) shall take place between the hours of 7:00 a.m. and 6:30 p.m. on weekdays and from 8:00 a.m. to 6:00 p.m. on Saturdays. Loud, noise-generating construction activities are prohibited on Sundays and federal holidays.
- SC 4.12-2 HVAC units shall be designed and installed in accordance with Section 10.26.045 of the Newport Beach Noise Ordinance, which specifies the maximum noise levels for new HVAC installations and associated conditions.
- SC 4.12-3 All residential and hotel units shall be designed to ensure that interior noise levels in habitable rooms from exterior transportation sources (including aircraft and vehicles on adjacent roadways) shall not exceed 45 dBA CNEL. This condition complies with the applicable sections



of the California Building Code (Title 24 of the *California Code of Regulations*) and, for multiple-family residences, exceeds the requirements of Section 10.26.025 of the Noise Ordinance. Prior to issuance of a building permit, the Developer/Applicant of future redevelopment/reuse of the City Hall Complex property shall submit to the City of Newport Beach Community Development Department, Building Division Manager or his/her designee for review and approval architectural plans and an accompanying noise study that demonstrates that interior noise levels in the habitable rooms of residential and hotel units due to exterior transportation noise sources would be 45 dBA CNEL or less. Where closed windows are required to achieve the 45 dBA CNEL limit, Project plans and specifications shall include ventilation as required by the California Building Code.

SC 4.12-4 In accordance with City of Newport Beach standards, rubberized asphalt, or pavements offering equivalent or better acoustical properties shall be used to pave all public arterials on the Project site and all off-site City of Newport Beach roads where improvements would be provided or required as a part of the Project.

Mitigation Measures

MM 4.12-1 Prior to issuance of future demolition or permits, the Director of the City of Newport Beach Community Development Department, or designee, shall verify that the following notes appear on demolition, grading and construction plans:

1. During all project site demolition, excavation and grading, the project contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards.
2. The project contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.
3. The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction related noise sources and noise-sensitive receptors nearest the project site during all project construction.

4.12(b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

Less Than Significant Impact. As previously indicated, the proposed project does not include specific redevelopment/reuse project for the City Hall Complex, but instead provides a framework for the mixed use development contemplated by the City, which includes residential, retail, a hotel, community center and open spaces uses. Construction activities associated with the future redevelopment/reuse of the subject site permitted pursuant to the land use and zoning changes could expose persons to or generate excessive groundborne vibration; refer also to GPEIR Table 4.9-7. Additionally, the GPEIR concluded when construction vibration occurs, impacts would be significant. The site is located in a predominantly commercial area and the closest existing residential use is located approximately 100 feet away, across 32nd Street. The City is presently reviewing a request to construct residential uses on a site designated for multi-family use approximately 50 feet from the project site, across Via Oporto. Since noise-generating construction activities are not allowed during evening and nighttime hours (prohibited on Sunday) by Section 10.28.040, groundborne vibration will also be similarly restricted to less sensitive hours. Similar development was considered in the GPEIR analysis, since additional development was anticipated to occur based on the future buildout projections for the City. Impacts identified for groundborne vibration and/or groundborne noise levels were adequately evaluated in the GPEIR. Therefore, implementation of the proposed General Plan and CLUP Amendments and Zone Change would be consistent with the analysis presented in the GPEIR, and would result in no greater impacts than previously identified. Given that future development would be subject to project-specific review and be regulated by



NBMC, impacts involving the exposure of persons to or generation of excessive vibration would be less than significant.

Mitigation Measures: No mitigation is required.

4.12(c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

Less Than Significant with Mitigation Incorporated. Refer to Response 4.12(a). In addition, the City's GPEIR evaluated future noise levels associated with buildout of the City. Based on that analysis, the EIR indicated that mobile-source noise levels in the vicinity of the City Hall Complex property will exceed 65 dBA CNEL along Newport Boulevard and 60 dBA CNEL along Via Lido. Therefore, future redevelopment/reuse of the subject property with residential and/or a hotel could subject future residents and/or visitors to excessive noise, resulting in a potentially significant impact. Nonetheless, future redevelopment/reuse of the site shall be required to comply with the noise standards prescribed in Table N3 in the City's Noise Element to ensure that noise levels do not exceed interior and/or exterior noise standards. As a result, future redevelopment/reuse of the City Hall Complex property must demonstrate that any sensitive use (e.g., residential development) meet the prescribed exterior and interior noise standards prescribed by the City in accordance with Policy N 2.1. In addition, the residential portion of a mixed-use project proposed for the site must demonstrate that the design of the structure will adequately isolate noise between adjacent uses and units (common floor/ceilings) in accordance with the California Building Code (Policy N1.4).

Mitigation Measures: Refer to SC 4.12-3 and MM 4.12-1.

4.12(d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Less Than Significant Impact. Refer to Response 4.12(a).

Mitigation Measures: No mitigation is required.

4.12(e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

Less Than Significant Impact. GPEIR Figure 4.9-3, Existing Noise Contours – Northern Planning Area and Exhibit 4.9-6, Future Noise Contours – Northern Planning Area, indicate that the 60 and 65 dBA CNEL noise contour for JWA extends into Newport Beach; however, no portion of the City Hall Complex property is located within either the 60 or 65 dBA CNEL noise contour for the airport. As a result, future redevelopment/reuse of the City Hall Complex property would not be affected by noise associated with aviation operations at JWA. Furthermore, the subject property is not located within the limits of the AELUP for the airport and is not, therefore, subject crash hazards or other hazards associated with aviation operations and, future redevelopment/reuse is not subject to review by the ALUC (refer to the Section 4.8(e)). Nonetheless, future discretionary redevelopment/reuse proposed in accordance with the proposed land use and zoning amendments would also be subject to environmental and/or development review on a project-specific basis. As indicated above, such projects would be subject to the policies adopted in the Noise Element of the General Plan as well as measures prescribed as a result of subsequent environmental analysis and other relevant long-range plans and programs in order to ensure that airport-related noise impacts are avoided or reduced to a less than significant level. Future redevelopment/reuse of the project site would also be subject to compliance with General Plan Policy N 1.1, which requires residential development to maintain an interior noise level of 40 dBA Leq or 45 dBA Leq, respectively, during the day time (7:00 a.m. to 10:00 p.m.) and night time (10:00 p.m. to 7:00 a.m.) reflected in Table N3 in the Noise Element. Compliance with Policies N 1.1, N 3.1 and N 3.2 would serve to ensure that new development is compatible with the noise environment by using the airport noise



contour maps as guides to future planning and development decisions. Given that future redevelopment/reuse of the City Hall Complex property would be subject to project-specific review, and be subject to compliance with the established regulations and General Plan policies, potential project-related impacts involving aviation-noise would be less than significant.

Mitigation Measures: No mitigation is required.

4.12(f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

No Impact. There are no private airstrips within the City of Newport Beach. Therefore, no impacts would occur and no mitigation measures are required.

Mitigation Measures: No mitigation is required.

4.13 POPULATION AND HOUSING

<i>Would the project:</i>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			■	
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				■
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				■

Impact Analysis

4.13(a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

Less Than Significant Impact. The City’s existing population, as of January 2010 is 86,738 persons.⁸ A project could induce population growth in an area, either directly (for example, by proposing new homes) or indirectly (for example, through extension of roads or other infrastructure). Although, the proposed project does not infer direct development rights, future development permitted by the proposed Amendments to the Land Use Element and CLUP and the Zone Change would induce population growth in the City through the possible construction of up to 99 multiple-family residential dwelling units on the City Hall Complex property. The possible increase in units would house approximately 217 people based upon an average of 2.19 persons per household.⁹ The GPEIR concluded General Plan buildout would increase the number of dwelling units by 14,215 units (35 percent) over 2002 conditions, for a total of 54,394 units.¹⁰ As a result, the City’s population

⁸State of California, Department of Finance, *E-5 Population and Housing Estimates for Cities, Counties, and the State, 2001-2010, with 2000 Benchmark*. Sacramento, California, May 2010

⁹2010 Census.

¹⁰ EIP Associates, *City of Newport Beach General Plan 2006 Update Draft EIR*, Page 4.10-6.



could increase by 31,131 persons (43 percent), for a total population of 103,753 persons at General Plan buildout. Additionally, because the General Plan implementation would substantially increase population growth within the City (approximately 37 percent over existing conditions and approximately 10 percent higher than existing SCAG projections), the GPEIR concluded impacts on population growth would be considered significant. Future residential development permitted by the General Plan and CLUP Amendments and Zone Change would result in no greater impacts to housing than previously identified in the GPEIR. Therefore, project implementation would not induce substantial population growth in the City.

As previously indicated, future residential redevelopment/reuse of the City Hall Complex property permitted in accordance with the proposed land use and zoning amendments would infill and redevelopment, which can be served by existing roads and infrastructure (e.g., sewer and water facilities, police and fire protection, etc.). As a result, future redevelopment/reuse of the subject property would not require extension of public infrastructure (i.e., any major transportation facility or public utility), or provision of new public services. The roads providing access within the City of Newport Beach are fully improved. Nonetheless, such future redevelopment/reuse also include improvements to existing circulation facilities in accordance with the long-range plans adopted for Lido Village and identified and articulated in the Lido Village Design Guidelines. Public utilities would be extended to the future mixed uses proposed on the City Hall Complex property from existing facilities. Public services, including police and fire protection, schools, public libraries, etc., are provided throughout the City and the establishment of new sources of service would not be required. Therefore, project implementation would not induce indirect population growth in the City through extension of roads or other infrastructure, or provision of new services.

Mitigation Measures: No mitigation is required.

4.13(b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

No Impact. The subject property currently supports only non-residential uses in the form of the Newport Beach City Hall and municipal offices and Newport Beach Fire Department Station No. 2. No residential dwelling units exist on the project site and approval of the proposed land use and zoning amendments would not result in the displacement of any existing dwelling units. Therefore, no replacement housing is required. Nonetheless, the proposed project would allow for the development of up to 99 multiple-family residential dwelling units as part of a mixed use development within the limits of the project site, which will facilitate meeting future housing goals and objectives adopted by the City in the Newport Beach Housing Element Update. No significant impacts will occur and no mitigation measures are required.

Mitigation Measures: No mitigation is required.

4.13(c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

No Impact. Refer to Response 4.13(b). Future redevelopment/reuse of the City Hall Complex property will not result in the displacement of any residents because no residential development currently exists on the site.

Mitigation Measures: No mitigation is required.



4.14 PUBLIC SERVICES

<i>Would the project:</i>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
1) Fire protection?		■		
2) Police protection?		■		
3) Schools?			■	
4) Parks?			■	
5) Other public facilities?			■	

Impact Analysis

4.14(a) *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:*

4.14(a)(1) *Fire protection?*

Less Than Significant with Mitigation Incorporated. Fire protection services are provided by the Newport Beach Fire Department (NBFD). The NBFD operates and maintains four fire stations in the project vicinity that would respond to emergencies as indicated below in Table 4.14-1.

Table 4.14-1

**Existing Fire Protection Facilities – Newport Beach Fire Department
 Newport Beach City Hall Reuse Project**

Fire Station No./Location	Equipment	Manpower/ Personnel	Distance to Project Site
Station No. 2/475 32 nd Street	1 Engine 1 Truck 1 PM Unit	9 Persons	On-Site
Station No. 1/110 East Balboa Boulevard	1 Engine	3 Persons	1.9 Miles
Station No. 6/1348 Irvine Avenue	1 Engine	3 Persons	3.0 Miles
Station No. 3/868 Santa Barbara Drive	1 Battalion Chief	1 Person	3.6 Miles
SOURCE: Newport Beach Fire Department (October 2012)			



The City of Newport Beach has adopted the response time goals contained in NFPA 1710, which recommends that, “the fire departments fire suppression resources shall be deployed to provide for the arrival of an engine company within a 240-second travel time to 90 percent of the incidents as established in Chapter 4.” Other objectives identified in NFPA 1710 include:

- a. Alarm handling time to be completed in accordance with (Section) 4.1.2.3.
- b. 80 seconds for turnout time for fire and special operations response and 60 seconds turnout time for EMS response.
- c. 240 seconds or less travel time for the arrival of the first arriving engine company at a fire suppressions incident and 480 seconds or less travel time for the deployment of an initial full alarm assignment at a fire suppressions incident.
- d. 240 seconds or less travel time for the arrival of a unit with first responder with automatic external defibrillator (AED) or higher level capability at an emergency medical incident.
- e. 480 seconds or less travel time for the arrival of an advanced life support (ALS) unit at an emergency medical incident, where this service is provided by the fire department provided a first responder with AED or basic life support (BLS) unit arrived in 240 seconds or less travel time.

Based on these recommendations, the Nbfd response time goals for fire suppression and emergency medical incidents are reflected in Table 4.14-2.

Table 4.14-2

**Newport Beach Fire Department Response Time Goals
Newport Beach City Hall Reuse Project**

	Fire Suppression Incident		Emergency Medical Incident	
	First Arriving Engine Company	Initial Full Alarm Assignment	Basic Life Support	Advanced Life Support
Turnout Time	80 seconds	80 seconds	60 seconds	60 seconds
Travel Time ¹	240 seconds (4 minutes)	480 seconds (8 minutes)	240 seconds (4 minutes)	480 seconds (8 minutes) ²
Total Response Time	320 seconds (5 minutes and 20 seconds)	560 seconds (9 minutes and 20 seconds)	300 seconds (5 minutes)	540 seconds (9 minutes)

¹All travel time goals are maximums (i.e., 240 seconds means 240 seconds or less)

²Provided a first responder with basic life support capability arrives within 240 seconds.

SOURCE: Newport Beach Fire Department (October 2012)

The Nbfd has indicated that future redevelopment/reuse of the City Hall Complex property in accordance with the Mixed Use designation proposed by the City allows for Fire Station No. 2 either to remain in its present location or relocating Fire Station No. 2 within the existing site (possible along Newport Boulevard), which could potentially reduce response times for all areas served by the facility



Although the future mixed use project would provide for increased residential or transitory populations on the site, which would translate directly into incremental increases in demands for fire protection service, such potential cumulative impacts are not considered to be significant by the NBFD when existing population densities/demands for service are compared to the proposed population density.

The GPEIR concluded that compliance with applicable General Plan policies would ensure potential impacts involving fire protection services would remain less than significant. Future mixed use development on the City Hall Complex property permitted by must also comply with both the applicable General Plan policies, California Fire Code, and California Building Code requirements as well as local Newport Beach amendments will ensure that no significant impacts will occur and the NBFD is able to continue to provide an adequate level of fire protection and emergency response serve to the site. These include construction standards for new structures and remodels that address road widths and configurations, and requirements for minimum fire flow rates, etc. Future redevelopment/reuse must also be consistent with General Plan Policy LU 3.2, which requires that adequate infrastructure be provided as new development occurs. Fire staffing and facilities would be expanded commensurately to serve the needs of new development to maintain the current response time if determined necessary. Policy S 6.8 ensures that building and fire codes will be continually updated to provide for fire safety design. Future discretionary development of the subject property would be subject to environmental and/or site development review on a and must comply with requirements established within the Newport Beach Zoning Code and relevant plans and policies in order to ensure potential impacts to fire protection services are minimized. Additionally, future redevelopment/reuse of the City Hall Complex property must also comply with applicable Federal, State, and local regulations governing the provision of fire protection services (i.e., fire access, fire flows, hydrants).

Standard Conditions

SC 4.14.1 Future redevelopment/reuse proposed for the City Hall Complex shall be designed in accordance with all applicable design parameters of the California Fire Code, California Building Code and local City amendments.

Mitigation Measures

MM 4.14-1 Prior to City approval of redevelopment/reuse plans for the City Hall Complex, the Applicant shall obtain Fire Department review and approval of the site plan in order to ensure adequate access is provide to the Project site and that the site plan has been designed to accommodate emergency vehicles.

4.14(a)(2) Police protection?

Less Than Significant with Mitigation Incorporated. The Newport Beach Police Department (NBPD provides police protection services within the municipal limits of City of Newport Beach. The NBPD is organized into Reporting Districts (RDs) based on population, geography and calls for service. Currently, the City does not have staffing standards. The NBPD provides a ratio of approximately 1.59 officers per 1,000 residents, which reflects a recent reduction in manpower due to the economic downturn. Nonetheless, the NBPD has determined that the current staffing level is sufficient to adequate serve the population at a high level and also allows the NBPD to meet the needs of the visitors, which can increase the City's population substantially in one day.

The Department's benchmark for response to emergency calls is under three minutes. Data for the past two calendar years does not indicate any emergency calls at the City Hall Complex location. However, the City-wide average for emergency calls falls well below the three-minute benchmark established by the Department. The NBPD has indicated that calls for service in the City generally involve disturbances or unwanted persons on the property; traffic stops are also common in the general area. The NBPD indicated that response times to the site



would not change with redevelopment/reuse of the site with uses anticipated by the proposed land use amendments.

According to the NBPD, future re development/reuse of the City Hall Complex property permitted pursuant to the proposed Mixed Use land use designation would result in a minor increase the demand for police protection services in the City. Although the nature and extent of impacts for the Department are contingent on the final uses for the property, a hotel has the potential to increase calls for service based on the number of additional people that would be drawn to the area. For example, the nature of the accommodations and cost for guests of the hotel could also impact the nature of police responses. Live music or café dance provisions also need to be considered prior to approval. In addition, establishments that allow alcohol can also have an impact on police services, considering that the project area already has a substantial number of such establishments. Each of these items has the potential to impact calls for service and police activity, and could necessitate increases in staffing and equipment. The environmental impacts associated with the provision of new or physically altered police protection facilities would be dependent upon the location and nature of the proposed facilities, and would undergo separate environmental review pursuant to CEQA Guidelines. However, the GPEIR concluded maintaining the current service ratio and compliance with applicable General Plan policies would ensure impacts involving police protection services can be reduced to a less than significant level.

Future redevelopment/reuse of the City Hall Complex would be required to undergo subsequent environmental and/or development review by the City and NBPD. As such, future projects would also be required to comply with development standards and requirements prescribed in the Zoning Ordinance, General Plan and relevant long-range plans and programs in order to ensure potential impacts to police protection services are minimized. Future redevelopment/reuse must be consistent with General Plan policies that would ensure adequate law enforcement is provided, as the City experiences future growth and development. For example, compliance with Policy LU 2.8 would ensure that only land uses that can be adequately supported by the City's Public Services would be accommodated, and that adequate service ratios are maintained. With adequate review and consideration of potential effects on the ability of the NBPD to provide an adequate police protection not only to the subject property but also to the remainder of the City, impacts involving police protection services would be less than significant.

Standard Conditions

- SC 4.14-3 Prior to issuance of building permit for future development of the City Hall Complex, the City of Newport Beach Police Department shall review development plans for the incorporation of defensible space concepts to reduce demands on police services. Public safety planning recommendations shall be incorporated into the Project plans as determined necessary. The Applicant shall prepare a list of Project features and design components that demonstrate responsiveness to defensible space design concepts. The Police Department shall review and approve all defensible space design features incorporated into the Project prior to initiating the building plan check process.
- SC 4.14-4 Prior to the issuance of the demolition permit and/or action that would permit Project site disturbance, the Applicant shall provide evidence to the City of Newport Beach Police Department that a construction security service or equivalent service shall be established at the construction site along with other measures, as identified by the Police Department and the Public Works Department, to be instituted during the grading and construction phase of the project.

4.14(a)(3) Schools?

Less Than Significant Impact. The Newport-Mesa Unified School District provides educational services to the City of Newport Beach as well as the City of Costa Mesa and other unincorporated areas of Orange County. Although implementation of the proposed land use and zoning changes would not result in any specific



development projects, future redevelopment/reuse of the City Hall Complex that would be guided by the proposed Mixed Use land use designation and relevant policies would increase the number of residents anticipated as a result of potential multiple-family residential development, which could subsequently increase the number of school-age children and result in increased demands upon existing schools. Compliance with the General Plan policies would be required for any new residential development proposed pursuant to the Mixed Use land use designation. Additional policies such as LU 2.1, 6.1.2, and 6.1.4 would also encourage development of adequate schools to meet the needs of future residents. In general, payment of school impact fee requirement serves to mitigate project impacts upon schools.

Future discretionary residential development proposed on the site would undergo environmental and/or development review on a project-specific basis based upon the development standards prescribed in NBMC, General Plan policies and/or relevant long-term plans and programs in order to ensure potential impacts to school facilities are minimized. General Plan Policy LU 6.1.1 requires that adequate school facilities within Newport Beach be provided such that the residents' needs would be served, and Policy LU 6.1.2 allows for the development of new public and institutional facilities within the City provided that the use and development facilities are compatible with adjoining land uses, environmentally suitable, and can be supported by transportation and utility infrastructure. Based on a maximum of 99 multiple-family residential dwelling units, future redevelopment/reuse of the City Hall Complex would generate approximately nine (9) school-age children. Under State law, payment of school impact fees constitutes the exclusive means of considering and mitigating school facilities impacts resulting from projects. Such payments are deemed to provide full and complete mitigation of school facilities. As a result, payment of the developer fees as prescribed by SC 4.14-5 will ensure that the project will not result in a potentially significant impact. No other mitigation measures are required. Therefore, because future redevelopment/reuse of all or a portion of the City Hall Complex property would result in a direct increase in demand for school services, and because existing policies are in place to require payment of school impact fees by new development projects, this impact is considered less than significant.

Standard Conditions

SC 4.14-5 Prior to building permit issuance for future redevelopment/reuse of the City Hall Complex property, the applicant for such development shall pay the applicable statutory developer fees for residential and non-residential land uses in effect at the time of the building permit.

Mitigation Measures: No mitigation is required.

4.14(a)(4) Parks?

Less Than Significant Impact. There are approximately 286 acres of parkland and approximately 90 acres of active recreational beach area within the City. Pursuant to NBMC Section 19.52.040, *Parkland Standard*, the City's park dedication standard for new residential development is 5.0 acres of parkland per 1,000 residents. According to the GPEIR, a deficit of approximately 38.8 acres of combined park and beach acreage citywide, with seven of the 12 service areas experiencing a deficit in this combined recreation acreage. The site is located within Service Area No. 1 (West Newport); however, the site is also located near Service Area No. 2 (Balboa Peninsula). Service Area No. 1 is deficient by 21.6 acres; however, the City has received Coastal Commission approval for the 13.67-acre Sunset Ridge Park that will be developed in 2013-2014. Service Area No. 2 has 25 acres in excess of park acreage requirements. New sports fields within a new community or neighborhood park are identified by the Recreation Element of the General Plan for Service Area No. 1. The recently approved Sunset Ridge Park includes sports fields and partially meets the needs of the community.

During the preliminary planning for future reuse of the site, it was determined that a new park would not be the highest and best use of the site, especially given the acute need for sports fields and the location of the site in a predominantly commercial area. The proposed land use and zoning amendments do not include specific development projects, but instead, only provides a framework for the City's anticipated future



redevelopment/reuse of the City Hall Complex property, which includes up to 99 multiple-family residential dwelling units and a variety of other land uses, including retail, a hotel, community center and open space. Future redevelopment/reuse permitted land use parameters would result in an increase in resident or visitor population, which would increase the demands for parkland and recreational facilities, and usage of existing facilities, such that deterioration of these facilities could be accelerated. Additionally, future housing construction on the subject property may require new parks or recreational facilities, and/or improvements to existing facilities.

As indicated in the project description, a significant amount of open space is also proposed on the 4.26-acre City Hall Complex property. Although the specific nature and use of the open space has not yet been determined, it is anticipated that it would include plazas, promenades and passive features that would enhance mixed uses permitted by the proposed land use and zoning amendments. The GPEIR concluded the construction and enhancement of park and recreational facilities, and compliance with General Plan policies would ensure that increased demand and use resulting from an increased population would not significantly accelerate the deterioration of existing recreational facilities. This impact would be less than significant.

Future discretionary redevelopment/reuse of the City Hall Complex would undergo environmental and/or development review on a project-specific basis based upon the permit requirements established within the NBMC in order to ensure potential impacts to parks and recreational facilities are minimized. Additionally, future residential development would be subject to compliance with NBMC Chapter 19.52, *Park Dedications and Fees*, which is intended to provide for the dedication of land, the payment of fees in lieu thereof or a combination of both, for park or recreational purposes in conjunction with the approval of residential development. These provisions are in accordance with Section 66477 of the Subdivision Map Act (known as the Quimby Act). Future residential development would also be subject to compliance with General Plan Policy R 1.1, which requires future development to dedicate land or pay in-lieu fees at a minimum of 5.0 acres of parkland per 1,000 residents (per NBMC Section 19.52.040). Although approval of the administrative amendments to the Land Use Element and CLUP as well as the zone change would not directly result in any direct impact to parks and/or recreational facilities, future redevelopment/reuse of the subject property could result up to 99 additional residential dwelling units on the site. However, given that future redevelopment/reuse of the City Hall Complex property would potential include up to 1.38 acres of open space, including passive recreation amenities, be subject to future review and approval, and also be subject to compliance with General Plan policies, additional demands for parks and recreational facilities anticipated to occur as a result of future redevelopment/reuse would be addressed at that time. However, it is anticipated that because future redevelopment/reuse of the subject property must comply with Quimby Act and related requirements prescribed in the Newport Beach Recreation Element, no significant impacts to parks and recreation would occur.

Mitigation Measures: No mitigation is required.

4.14(a)(5) Other public facilities?

Less Than Significant Impact. The City of Newport Beach is serviced by four libraries: the Central Library, Mariner’s Library, Balboa Branch Library, and Corona Del Mar Branch Library. The Newport Beach Public Library (NBPL) assesses their needs on a ratio of books per measure of population. The standard guidelines used for evaluating the acceptable level of service, which are set by the California State Library Office of Library Construction, the Public Library Association, and the American Library Association, are 0.5 sq. ft. of library facility space and 2.0 volumes per capita.

The land use and zoning amendments proposed for the City Hall Complex property do not include specific a development project, but instead, only provides a framework for the City’s anticipated future redevelopment/reuse of the site with a mix of land uses, including residential, retail, a hotel, community center and open space. Future redevelopment/reuse of the subject site permitted by the land use and zoning amendments would increase the demands for library facilities and resources caused by potential increases in



population associated with the a residential development component that could include up to 99 multiple-family dwelling units. However, the GPEIR concluded compliance with General Plan policies would address any potential increase and ensure that potential impacts would be less than significant. Therefore, implementation of the proposed amendments to the City’s Land Use Element and CLUP as well as the proposed Zone Change would result in less than significant impacts to library facilities.

Mitigation Measures: No mitigation is required.

4.15 RECREATION

<i>Would the project:</i>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			■	
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?			■	

Impact Analysis

4.15(a) *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?*

Less Than Significant Impact. Future redevelopment/reuse of the City Hall Complex property in accordance with the proposed land use and zoning amendments could result in the development of up to 99 multiple-family residential dwelling units or an increase of visitors if the site is developed as a hotel. As previously indicated, it is anticipated that a significant amount of open space amenities are also included and could be accommodated in a redevelopment/reuse plan proposed for the subject property. Such open space, although passive in nature, would accommodate the future residents and visitors to the site and offset potential demands for additional recreational facilities. In addition, future residential development that may be proposed on the site would be required to pay the requisite Quimby Act fees, which would be used by the City to provide new parks and/or recreation facilities. Therefore, potential impacts to park and recreational facilities will be less than significant. Refer to Response 4.14(a)(4).

Mitigation Measures: No mitigation is required.

4.15(b) *Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?*

Less Than Significant Impact. Refer to Response 4.14(a)(4) and Response 4.15(b).

Mitigation Measures: No mitigation is required.



4.16 TRANSPORTATION/TRAFFIC

<i>Would the project:</i>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit??			■	
b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?			■	
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				■
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			■	
e. Result in inadequate emergency access?			■	
f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?			■	

Impact Analysis

4.16(a) *Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?*

Less Than Significant Impact. Currently, 17 roadway segments within the City operate at a level of service (LOS) that exceeds the City’s Standard of LOS D. Five intersections citywide function at a deficient LOS. Future redevelopment/reuse of the City Hall Complex property permitted by the land use and zoning amendments could result in an increase in vehicular movement in the vicinity of the project site during a.m. and p.m. peak hour periods. Given that the City is primarily a built-out area, future redevelopment/reuse permitted by the land use and zoning amendments would constitute infill development. As a result, the transportation infrastructure is largely already available to these areas. Impacts would result from the incremental traffic generation associated with reuse of the site. However, the GPEIR concluded General Plan buildout would not cause any intersection to fail to meet the City’s LOS D standard. As discussed in Section 4.16(b), potential trip generation associated with the future redevelopment/reuse of the City Hall Complex property consistent with the proposed land use amendments could result in a potentially greater number of daily vehicular trips; however, morning and afternoon peak hour trips generated by potential reuse scenarios would generally be less than the a.m. and p.m. peak hour trips generated by the existing municipal office uses. As a result, future



traffic impacts resulting from implementation of the proposed land use and zoning amendments would be consistent with the analysis presented in the GPEIR, and would result in no greater impacts than previously identified.

Furthermore, future discretionary redevelopment/reuse of the subject property would undergo project-specific environmental and/or development review upon the permit requirements established within the land use and zoning proposed for the site in order to ensure potential impacts to intersection LOS are minimized. Due to the conceptual nature of the future development scenarios analyzed in Section 4.16(b), an individual assessment of potential impacts to traffic and transportation would be required if determined necessary by the City at the time a reuse plan is submitted to the City. If necessary, mitigation would be recommended to avoid or lessen potential impacts at the site specific level. Future redevelopment/reuse of the City Hall Complex property would also be subject to compliance with NBMC Chapter 15.38, *Fair Share Traffic Contribution Ordinance*, which establishes a fee, based upon the unfunded cost to implement the Master Plan of Streets and Highways, to be paid in conjunction with the issuance of a building permit. Compliance with NBMC Chapter 15.40, *Traffic Phasing Ordinance*, would ensure that the effects of new development projects are mitigated by developers as they occur. Future residential development would also be subject to compliance with General Plan Policies identified in GPEIR Section 4.13, *Transportation/Traffic*. Therefore, impacts to intersection LOS would be less than significant as a result of the proposed General Plan and CLUP Amendments and Zone Change.

Refer to Section 4.16(b) for a discussion of potential impacts to key study intersections and to Section 4.16(f) for a discussion regarding potential impacts to transit, bicycle, and pedestrian facilities.

Mitigation Measures: No mitigation is required.

4.16(b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

Less Than Significant Impact. The purpose of the Orange County Congestion Management Program (CMP) is to develop a coordinated approach to managing and decreasing traffic congestion by linking the various transportation, land use and air quality planning programs throughout the County. The CMP program requires review of substantial individual projects, which might on their own impact the CMP transportation system.

According to the CMP (*Orange County Transportation Authority, 2001*), those proposed projects, which meet the following criteria, shall be evaluated:

- Development projects that generate more than 2,400 daily trips (the threshold is 1,600 or more trips per day for development projects that will directly access a CMP Highway System link).
- Project with a potential to create an impact of more than three percent of level of service E capacity.

Charter Section 423

Charter Section 423 requires an analysis of the density, intensity, and peak hour traffic associated with a proposed General Plan Amendment (“GPA”). When increases in density, intensity, and peak hour traffic of a proposed GPA¹¹ along with 80 percent of the increases of prior amendments exceed specified thresholds, the proposed GPA is considered to be a “major amendment” that requires voter approval. The specified thresholds are 100 dwelling units (density), 40,000 square feet of floor area (intensity), and 100 peak hour trips (traffic).

¹¹Increases above the maximum density and intensity, and associated peak hour trips, allowed by the General Plan prior to the amendment.



City Council Policy A-18 establishes the Guidelines for implementation of City Charter Section 423 and provides specific guidance as to the density, intensity and traffic thresholds for the analysis.

When the City’s General Plan Update was approved in 2006, the City had commissioned a traffic study that assumed that the existing City Hall site would be expanded to 75,000 square feet. Therefore, based on the General Plan 2006 Update traffic (land use) assumption used to analyze the traffic impacts associated with the project site, the City determined that such future redevelopment/reuse of the City Hall Complex property would not require voter approval for the purpose of analyzing the Charter Section 423 thresholds.¹²

Future Project Trip Generation

The General Plan and CLUP Amendments and Zone Change proposed by the City do not include specific development projects, but instead, only provide a framework for the City’s anticipated future redevelopment/reuse of the City Hall Complex property. Such future redevelopment/reuse permitted under the proposed land use and zoning amendments would occur in accordance with the densities and intensities of use permitted by those proposed amendments. Nonetheless, redevelopment/reuse of the subject property would result in the generation of vehicular movement in the vicinity of the City Hall Complex site and potentially on roadway facilities subject to CMP. Although no specific project has been proposed and it is not possible to precisely anticipate the potential net effect of such future traffic resulting from redevelopment/reuse of the subject property, Table 4.16-1 provides a summary of potential daily and peak hour trip rates for the existing City Hall Complex and potential land uses permitted by the proposed land use and zoning amendments.

Table 4.16-1
ITE Trip Generation Rates
Newport Beach City Hall Reuse Project

Land Use	Rate Type	Size	Unit	AM Peak Hour			PM Peak Hour			Total
				In	Out	Total	In	Out	Total	
City Hall Complex	Empirical		Emp.	0.54	0.09	0.63	0.08	0.53	0.61	5.14
Specialty Retail ¹	ITE		TSF	0.61	0.39	1.00	1.19	1.52	2.71	44.32
Mid-Rise Apartment ²	ITE		DU	0.09	0.21	0.30	0.23	0.16	0.39	6.65
Hotel	ITE		RM	0.34	0.22	0.56	0.31	0.28	0.59	8.17

¹ITE AM peak hour rate not available. Shopping Center rate used for AM peak hour.
²ITE daily rates not available. Standard apartment daily rate used.

SOURCE: City of Newport Beach
ITE Trip Generation, 8th Edition

The a.m. and p.m. peak hour and daily trip generation rates provided in Table 4.16-1 were utilized to estimate the trip generation for each of the land uses permitted in the proposed land use and zoning amendments. Table 4.16-2 summarizes the potential peak hour and daily trip generation anticipated to occur from potential redevelopment/reuse scenarios anticipated for the City Hall Complex property.

¹²Newport Beach City Council Staff Report (September 25, 2012).



Table 4.16-2

Potential Peak Hour and Daily Trip Generation
 Newport Beach City Hall Reuse Project

Land Use	Rate Type	Size	Unit	AM Peak Hour			PM Peak Hour			Total
				In	Out	Total	In	Out	Total	
Existing Trip Generation										
City Hall Complex	Empirical	218	Emp.	118	20	138	17	116	133	1,121
Apartments and Retail Reuse Scenario										
Specialty Retail	ITE	15	TSF	9	6	15	18	23	41	665
Mid-Rise Apartments	ITE	99	DU	9	20	30	22	16	39	658
Total Trip Generation				18	26	45	40	39	79	1,323
Net Change¹				-100	6	-93	23	-77	-54	203
Apartments Reuse Scenario										
Mid-Rise Apartments	ITE	99	DU	9	20	30	22	16	39	658
Total Trip Generation				9	20	30	22	16	39	658
Net Change¹				-109	0	-108	5	-100	-94	-462
Hotel Scenario										
Hotel (99,675 sq.ft.)	ITE	150	RM	51	33	84	47	42	89	1,226
Total Trip Generation				51	33	84	47	42	89	1,226
Net Change¹				-67	13	-54	30	-74	-45	105
Hotel and Apartments Scenario										
Hotel (99,675 sq.ft.)	ITE	110	RM	38	24	62	34	31	65	899
Mid-Rise Apartments	ITE	75	DU	7	16	23	17	12	29	499
Total Trip Generation				45	40	84	51	43	94	1,397
Net Change¹				-73	20	-54	34	-73	-39	277
¹ Difference between proposed reuse scenario and existing City Hall trip generation. SOURCE: City of Newport Beach ITE Trip Generation, 8 th Edition										

Based on the GPEIR “buildout” traffic analysis, three nearby intersections were analyzed along Newport Boulevard. As indicated in Table 4.16-3, the Newport Boulevard/Via Lido intersection is forecast to operate at LOS A during both the a.m. and p.m. peak hour periods under the General Plan land use buildout scenario. In addition, the Newport Boulevard/Hospital Road and Newport Boulevard/32nd Street intersections are also forecast to operate at an acceptable level of service during the a.m. peak hour (i.e., LOS D) in the buildout scenario; however, both of these intersections are forecast to operate at an unacceptable level of service (i.e., LOS E) during the p.m. peak hour.



Table 4.16-3

**General Plan Buildout ICU Comparison to Existing
 Newport Beach City Hall Reuse Project**

Intersection	AM Peak Hour				PM Peak Hour			
	Existing		W/Project ¹		Existing		w/Project ¹	
	ICU	LOS	ICU	LOS	ICU	LOS	ICU	LOS
Newport Boulevard/Hospital Road	0.54	C	0.83	D	0.70	B	0.96	E
Newport Boulevard/Via Lido	0.41	A	0.58	A	0.37	A	0.41	A
Newport Boulevard/32 nd Street	0.73	C	0.86	D	0.78	C	0.91	E
¹ General Plan Buildout SOURCE: Newport Beach General Plan Final EIR								

As indicated in Table 4.16-2, although most of the potential reuse scenarios would generated a greater number of daily trips when compared to the existing City Hall Complex trip generation, in all cases the a.m. and p.m. peak hour trip generation would be less than that currently generated by the existing municipal offices. It is important to note that although the Newport Boulevard/Hospital Road and Newport Boulevard/32nd Street intersections are forecast to operate at LOS E (i.e., unacceptable)in p.m. peak hour the future (i.e., buildout conditions), in each potential development scenario identified in Table 4.16-2, the p.m. peak hour trip generation would decrease when compared to the existing trip p.m. peak hour trip generation of the existing City Hall Complex, which would have the effect of reducing the cumulative adverse effect on the future p.m. peak hour ICU/LOS forecast at buildout. Nonetheless, the City has identified the need to implement improvements to both of these intersections in the future in order to return the levels of service during the p.m. peak hour to LOS D. As a result, because future traffic generation resulting from redevelopment/reuse of the City Hall Complex property would be reduced when compared to the traffic generated by the existing municipal office use, combined with the intersection and roadway improvements identified by the City resulting from future growth and development, including regional growth, future project-related traffic impacts would be less than significant.

Based on the anticipated trip generation associated with potential future redevelopment/reuse that may be proposed for the City Hall Complex permitted by the proposed land use and zoning amendments and, further, because the potential traffic generation would not exceed the traffic forecasts for the key study intersections in the project environs, no significant traffic impacts are anticipated. Furthermore, the City has identified roadway and/or intersection improvements at key study intersections that are forecast to operate at unacceptable levels at General Plan buildout, which would improve the intersection operations to an acceptable level. Finally, any such future redevelopment/reuse project would be subject project-specific review by the City, including project-related traffic impacts, and be subject to compliance with NBMC standards and General Plan policies, potential impacts to CMP designated roads or highways caused by future redevelopment/reuse pursuant to the proposed General Plan and CLUP Amendments and Zone Change would be less than significant. No mitigation measures are required.

Mitigation Measures: No mitigation is required.

4.16(c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

No Impact. The City is primarily a built-out area, and it is anticipated that future redevelopment/reuse permitted by the General Plan and CLUP Amendments and Zone Change would consist of infill/redevelopment



of the City Hall Complex property with a variety of mixed uses, including residential, retail, a hotel, community center and open space. As indicated in Section 4.8(e), the subject property is not located within the limits of the JWA AELUP and, therefore, is not subject to the provisions established by the AELUP. Nonetheless, the any future redevelopment/reuse as permitted by the proposed land use and zoning amendments would be subject to specific policies articulated in the Newport Beach General Plan and NBCC related to noise and safety risks. Therefore, future redevelopment/reuse of the City Hall Complex property permitted by the proposed land use and zoning amendments would not result in a change in air traffic patterns that results in substantial safety risks.

Mitigation Measures: No mitigation is required.

4.16(d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Less Than Significant Impact. As indicated in the analysis conducted for the Newport Beach General Plan Update in the GPEIR, the circulation improvements identified in Table 4.13-10 of the GPEIR would be implemented as part of the long-range circulation improvement plans for the City. None of those improvements would introduce new safety hazards at intersections or along roadway segments, as most would increase capacity and flow. In addition, policies within the Circulation Element (CE 1.3.2, 2.2.1, 2.2.5) provide for maintaining and enhancing existing roadways, increasing safety of roadways, and balancing safety, quality of life and efficiency in the design of circulation and access. Implementation and/or compliance with these policies of the adopted Circulation Element of the Newport Beach General Plan Update would help reduce hazards due to design features.

Currently, there are no site-specific development plans for reuse of the City Hall Complex property pursuant to the proposed land use and zoning amendments for the subject property. Access to the site is anticipated to remain largely in its present state with access provided from Newport Boulevard at the signalized intersection at Finley Avenue and Driveways from 32nd Street. As previously indicated, future redevelopment/reuse proposals would be reviewed on a project-specific basis. At the time of review, any hazardous designs shall be modified in accordance with the design guidelines prescribed in the Lido Village Design Guidelines and/or City of Newport Beach standards for access and circulation. Additionally, future redevelopment/reuse of the City Hall Complex property pursuant to the General Plan and CLUP Amendments and Zone Change would be required to comply with the applicable General Plan policies, which would minimize potential impacts involving hazards due to a design feature.

Mitigation Measures: No mitigation is required.

4.16(e) Result in inadequate emergency access?

Less Than Significant Impact. The proposed land use amendments provide for the continued use of a portion of the site for a fire station and this emergency facility will remain at the site serving the community for the foreseeable future. As indicated in the analysis conducted for the Newport Beach General Plan Update in the GPEIR, the project would be required to comply with applicable Municipal Code and Fire Code requirements regarding emergency access. Also, as discussed in Section 4.6 Hazards (Impact 4.6-8), the adopted General Plan Safety Element also contains Policies S9.1, S9.2, and S9.4, which are intended to ensure that the City's Emergency Management Plan is regularly updated, provides for efficient and orderly citywide evacuation, and also ensures that emergency services personnel are familiar with the relevant response plans applicable to the City. Further, Policy S9.5 of the Safety Plan calls for the distribution of information about emergency planning to community groups, schools, religious institutions, business associations, and residents. Consequently, the project would provide adequate emergency access to the project area. All future development permitted by the land use and zoning amendments would be required to meet all applicable local and State regulatory standards for adequate emergency access; refer also to Response 4.8(g). Therefore, any potential impacts would be less than significant.



Mitigation Measures: No mitigation is required.

4.16(f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

Less Than Significant Impact. Currently transit lines exist throughout the City. As illustrated in GPEIR Figure 4.13-7, *Newport Beach Existing Bicycle Facilities*, bikeways, bike paths, and bike trails exist throughout the City. Additionally, there are currently sidewalks along all major roadways in the City. There are also marked crosswalks or other pedestrian treatments at all intersections. On-street bike paths currently exist on Newport Boulevard north of Via Lido and on West Coast Highway east and west of Newport Boulevard. In addition, the Bikeway Master Plan (refer to Figure CE4 in the Circulation Element) identifies several Class I (i.e., off-road, paved), Class II (on-road, striped lane), and Class II (signed only) bicycle paths in the project environs on Newport Boulevard and West Coast Highway north of the City Hall Complex property. Finally, the Lido Village Design Guidelines document also addresses non-vehicular travel.

Transit services are provided by OCTA and through paratransit programs, such as the one provided by the City at the Oasis Senior Center and/or OCTA. The program at the Oasis Senior Center provides local transportation for a nominal fee to seniors. An established network of bus routes provides access to employment centers, shopping and recreational areas within the City. Several OCTA bus lines provide public transportation access to the project site and environs, including Route 71, which provides serves from Balboa to Pier north along the SR-55 Freeway, including Newport Boulevard. OCTA presently operates a bus stop for northbound Route 71 abutting the project site in the Newport Boulevard right-of-way just south of Finley Avenue. OCTA periodically updates a Countywide Bus Service Implementation Program (BSIP), which includes changes to service levels and route configurations. OCTA also provides enhanced service during the summer months to serve the beach oriented traffic destined for Newport Beach. The Newport Transportation Center and Park-and-Ride facility is located at MacArthur Boulevard and San Joaquin Hills Road in Newport Center.

Given that the City is primarily a built-out area, and redevelopment/reuse of the City Hall Complex property permitted the proposed land use and zoning amendments would constitute infill development, it is not anticipated that any incremental growth in transit trips produced by the future development would generate a demand beyond the capacity already provided. Since primary access to the site will remain at Finley Avenue, future redevelopment/reuse of the site would not likely impact the location of the existing bus stop. Additionally, it is not anticipated that future development would impact the effectiveness of the City's bicycle and pedestrian facilities. Future reuse of the project site would be subject to compliance with the General Plan policies pertaining to transit, bicycle, and pedestrian facilities outlined in GPEIR Section 4.13, *Transportation/Traffic*. In particular, compliance with General Plan Policies CE5.1.1 to CE5.1.16 and CE6.2.1 to CE6.2.3 would encourage alternative modes of transportation on the local and regional scale including pedestrian, bicycle, and transit. Given that future development would undergo project-specific review, and be subject to compliance with General Plan policies, impacts to transit, bicycle, and pedestrian facilities would be less than significant.

Mitigation Measures: No mitigation is required.



4.17 UTILITIES AND SERVICE SYSTEMS

<i>Would the project:</i>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				■
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			■	
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			■	
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			■	
e. Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			■	
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			■	
g. Comply with federal, state, and local statutes and regulations related to solid waste?			■	

Impact Analysis

4.17(a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

No Impact. The City requires NPDES permits, as administered by the Santa Ana RWQCB, according to federal regulations for both point source discharges (a municipal or industrial discharge at a specific location or pipe) and nonpoint source discharges (diffuse runoff of water from adjacent land uses) to surface waters of the United States. For point source discharges, such as sewer outfalls, each NPDES permit contains limits on allowable concentrations and mass emissions of pollutants contained in the discharge.

The General Plan and CLUP Amendments and Zone Change do not include specific development project, but instead, only provides a framework for the City's anticipated future redevelopment/reuse of the City Hall Complex property. Future redevelopment/reuse permitted by the land use and zoning changes would not exceed wastewater treatment requirements. The GPEIR concluded General Plan implementation would result in no impact, because future development would be required to adhere to existing regulations and General Plan policies. Although redevelopment/reuse of the project site permitted by the proposed project was not considered in the GPEIR analysis, potential impacts involving demands for wastewater treatment requirements from future redevelopment/reuse on the City Hall Complex property would be subject to the same requirements as other development permitted by the City's General Plan. As a result, approval of the proposed land use and zoning amendments will not result a potentially significant impact.



Future discretionary redevelopment/reuse in accordance with the General Plan and CLUP Amendments and Zone Change would be subject to environmental and/or development review on a project-specific basis based upon the permit requirements prescribed in the zoning district development regulations, General Plan policies, etc., in order to ensure future development would not exceed wastewater treatment requirements. Future development would continue to comply with all provisions of the NPDES program, as enforced by the RWQCB. Additionally, the NPDES Phase I and Phase II requirements would regulate discharge from construction sites. All future projects would be required to comply with the wastewater discharge requirements issued by the SWRCB and Santa Ana RWQCB. Finally, the City has indicated that implementation of future redevelopment/reuse of the project site as permitted by the General Plan and CLUP Amendments and Zone Change would have "...little to no effect on the overall City's water supply and wastewater discharge capabilities" and that the infrastructure is adequate to support such future use redevelopment/reuse of the City Hall Complex property.¹³ Therefore, the future redevelopment/reuse of the City Hall Complex property would not result in an exceedance of wastewater treatment requirements of the RWQCB with respect to discharges to the sewer system or stormwater system within the City.

Mitigation Measures: No mitigation is required.

4.17(b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Less Than Significant Impact.

Water Conveyance and Treatment

The City's imported surface water supply is primarily treated at the Metropolitan Water District (MWD) Diemer Filtration Plant, with a treatment capacity of approximately 520 MGD, operating at 72 percent capacity during the summer. According to the GPEIR, MWD can meet 100 percent of the City's imported water needs until the year 2030. In addition, Irvine Ranch Water District (IRWD) also receives potable water from MWD's Weymouth Filtration Plant, which operates at approximately 65 percent capacity during the summer. Currently, the City's groundwater supply is treated at the City's Utility Yard, which can accommodate up to 1.5 MG in each chamber reservoir. Existing water facilities are located in the adjacent roadways, including a 20-inch water transmission main in Newport Boulevard. Water main laterals have been extended from this facility into the City Hall Complex property to serve the existing municipal offices.

While it is anticipated that future redevelopment/reuse permitted by the land use and zoning amendments would increase water demand/consumption, placing greater demands on water conveyance and treatment facilities, the GPEIR concluded adequate water infrastructure would be provided for all General Plan (i.e., buildout) development and, furthermore, impacts involving water conveyance and treatment facilities would be less than significant, following compliance with General Plan policies.

The environmental impacts associated with the construction of new water conveyance and treatment facilities or expansion of existing facilities (if required) would be dependent upon the location and nature of the future residential development, which would undergo separate environmental review pursuant to CEQA Guidelines. Future development would also be subject to compliance with General Plan policies that would implement water conservation measures, thereby reducing the volume of water requiring conveyance and treatment. Policy LU 2.8 directs the City to accommodate land uses that can be adequately supported by infrastructure, including water conveyance and treatment facilities. Given that future development would be subject to project-specific review and also comply with General Plan policies, impacts to water conveyance and treatment facilities would be less than significant as confirmed by the City's Utilities Department.

¹³Letter to Mr. James Campbell from Mr. George Murdoch, Utilities General Manager, City of Newport Beach (August 6, 2012).



Wastewater Conveyance and Treatment

Wastewater service within the City is provided by the City, IRWD, and Costa Mesa Sanitation District (CMSD). GPEIR Figure 4.14-2, *Wastewater Infrastructure and Service Areas*, illustrates the City's wastewater infrastructure and service boundaries of each provider. Moreover, the City's existing wastewater system is described in GPEIR Section 4.14.2, *Wastewater Systems*.

Wastewater from the City's system and CMSD is treated by the Orange County Sanitation District (OCSD) at their two treatment plants. OCSD Treatment Plant No. 1 currently maintains a design capacity of 174 mgd and is operating at 52 percent design capacity. Treatment Plant No. 2 maintains a design capacity of 276 mgd and is currently operating at 55 percent of design capacity. Wastewater flows from the IRWD wastewater system are treated at the OCSD Reclamation Plant No. 1, Treatment Plant No. 2, or at the Michelson Water Reclamation Plant (MWRP). Therefore, each of the treatment plants serving the City is operating below their design capacity. A 24-inch Orange County sanitation system wastewater collection facility is also located in Newport Boulevard, which conveys raw sewage generated by the existing municipal offices and surrounding development to the treatment facilities.

Future redevelopment/reuse permitted pursuant to the land use and zoning amendments would be expected to generate increased wastewater flows, which would place greater demands on wastewater conveyance and treatment. However, the GPEIR concluded that compliance with General Plan policies would ensure adequate wastewater facilities are available to City residents, and impacts to wastewater conveyance and treatment facilities would be less than significant. Future discretionary development of the site would be required to undergo environmental and/or development review on a project-specific basis based upon the development standards, General Plan policies, and related requirements to ensure that adequate wastewater conveyance and treatment infrastructure is available and can be provided. The environmental impacts associated with the construction of new wastewater conveyance and treatment facilities or expansion of existing facilities (if required) would be dependent upon the location and nature of the proposed facilities, and would undergo separate environmental review pursuant to CEQA Guidelines. Future development would also be subject to compliance with the City's Sewer System Management Plan and Sewer Master Plan (Policy NR 5.1). As previously indicated, future development would be subject to a project-specific review and would also be subject to compliance with General Plan policies. Finally, the City has indicated that adequate capacity exists to accommodate such future redevelopment/reuse. Therefore, impacts to wastewater conveyance and treatment facilities would be less than significant.

Mitigation Measures: No mitigation is required.

4.17(c) *Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?*

Less Than Significant Impact. Refer to Responses 4.9(a), 4.9(c), and 4.9(d).

Mitigation Measures: No mitigation is required.

4.17(d) *Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?*

Less Than significant Impact. As previously indicated, the land use and zoning amendments do not include specific development projects, but instead, only provide a framework for the City's anticipated future redevelopment/reuse of the City Hall Complex property. Future redevelopment/reuse of the property permitted by the proposed land use and zoning amendments would increase the City's water demands. Based on a factor of 2.19 persons per household as indicated in the City's Housing Element and a demand of 228.1 gallons per capita per day (Newport Beach 2010 Urban Water Management Plan), the potential development of 99 residential dwelling units would create a demand for 49,454 gallons per day (i.e., 55.4 acre feet of water per



year, which would increase the City's water demands by 0.33 percent. The City has indicated that such an increase is insignificant.¹⁴ If that figure were doubled to include other uses, in addition to the multiple-family residential development (e.g., hotel, retail, etc.), the potential usage would not exceed one percent. In comparison, historical city demand changes in response to weather vary by up to six percent per year. Although the GPEIR concluded the 2030 projected availability of imported water supply exceeds the 2030 projected region-wide demand for imported water supply by at least 155,000 AF, the analysis presented in the GPEIR concluded, because adequate existing and planned imported water supply to accommodate the increased demand associated with the General Plan would be available, impacts to the water supply would be less than significant. As indicated by the City, adequate supply and capacity for domestic water exists and there is adequate infrastructure to accommodate the potential redevelopment/reuse of the City Hall Complex property as permitted by the proposed General Plan and CLUP Amendments and Zone Change.

Nonetheless, future discretionary redevelopment/reuse of the site would be required to undergo environmental and design review on a project-specific basis, in order to ensure that adequate water supply is provided. Additionally, the NBMC includes a Landscaping Standards chapter, which provides landscape standards to conserve water, among other objectives. All future redevelopment/reuse would also be subject to compliance with General Plan policies, which serve to minimize water consumption through conservation methods and other techniques (Policies NR 1.1 to 1.5), and expand the use of alternative water sources to provide adequate water supplies for present uses and future growth (Policies NR 2.1 and 2.2). Given that future development would undergo project-specific review, and be subject to compliance with existing legislation (Title 24), NBMC standards, and General Plan policies, impacts to water supplies would be less than significant.

Mitigation Measures: No mitigation is required.

4.17(e) *Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?*

Less Than Significant Impact. Refer to Response 4.17(b).

Mitigation Measures: No mitigation is required.

4.17(f) *Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?*

Less Than Significant Impact. The City contracts with Waste Management of Orange County in Newport Beach to collect and dispose of the City's solid waste. The solid waste is disposed of at the Frank R. Bowerman Landfill in Irvine. The Bowerman Landfill, which is operated by the Orange County Waste and Recycling (OCW&R), is a 725-acre facility that is operating at a maximum daily permitting capacity of 11,500 tons per day. The landfill has a remaining capacity of 44.6 million tons and is expected to remain open until 2053.

As previously discussed, project implementation would require the demolition of the existing structures comprising the City Hall complex. Based on a "worst case" scenario of 15,000 square feet of retail commercial development and 99 residential dwelling units, and 150 hotel rooms, such development would generate approximately 24 tons of refuse each day. However, the Newport Beach GPEIR concluded impacts landfills would be less than significant, since Frank R. Bowerman Sanitary Landfill would have sufficient capacity to serve the increased General Plan development. Furthermore, the California Integrated Waste Management Act of 1989 (i.e., AB 939) requires that the County must maintain 15 years of available Countywide solid waste disposal capacity. The Orange County landfill system has sufficient capacity to accommodate both the proposed project and future development within the County. As a result, project implementation will not result in any significant impacts on landfill capacity and, further, will not adversely affect the ability of the existing facilities operated and maintained

¹⁴Letter to Mr. James Campbell from Mr. George Murdoch, Utilities General Manager, City of Newport Beach (August 6, 2012).



by the OCW&R to provide adequate landfill capacity to serve the County. Although the proposed development was not anticipated and, therefore, not included in the analysis in the GPEIR, the potential impacts to landfill capacity from future development permitted by the proposed General Plan Amendment and zone change would not be inconsistent with the analysis presented in the GPEIR because the incremental difference between the amount of refuse generated by the existing municipal offices and the proposed project is not significant and, therefore, would result in no greater impacts than previously identified in the GPEIR.

In addition, all development within the City of Newport Beach would also be required to undergo development review based upon the development standards prescribed in the NBMC, Newport Beach General Plan and related long-range plans and programs in order to ensure that impacts to landfill capacities are minimized. Additionally, the City mandates source reduction and recycling in accordance with State law to reduce the amount of refuse deposited in landfills. As a result, the source reduction and recycling, combined with prescriptions mandated in the Solid Waste and Recyclable Materials Storage section of the NBMC, which was revised to include standards to ensure that adequate space is provided and trash storage areas are adequately screened would result in a reduction in the volume of refuse generated by the project. Therefore, given that future development would undergo subsequent City review, and be subject to compliance with NBMC standards, impacts to landfill capacity would be less than significant.

Mitigation Measures: No mitigation is required.

4.17(g) Comply with federal, state, and local statutes and regulations related to solid waste?

Less Than Significant Impact. The California Integrated Waste Management Act of 1989 (AB 939) required that local jurisdictions divert at least 50 percent of all solid waste generated by January 1, 2000. The City consistently complies with AB 939 through diverting 50 percent or more of solid waste. The City also remains committed to continuing reducing and minimizing solid waste. Future redevelopment/reuse of the City Hall Complex property as permitted by the land use and zoning amendments would be required to comply with AB939 reduction requirements to reduce solid waste. Therefore, future development would not conflict with Federal, State, or local statutes and regulations.

Mitigation Measures: No mitigation is required.

4.18 MANDATORY FINDINGS OF SIGNIFICANCE

<i>Would the project:</i>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			■	
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection			■	



<i>Would the project:</i>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				
c. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?			■	

Impact Analysis

4.18(a) *Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*

Less Than Significant Impact. As concluded in Responses 4.4 and 4.5, respectively, the proposed General Plan and CLUP Amendments and Zone Change would result in less than significant impacts on biological resources and cultural resources (i.e. historic, archaeological, or paleontological). Therefore, the proposed land use and zoning changes would result in less than significant impacts involving the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major period of California history or prehistory. No significant impacts are anticipated and no mitigation measures are required.

4.18(b) *Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?*

Less Than Significant Impact. All of the potential impacts discussed in this Initial Study have been previously addressed in the General Plan Update EIR. Although the proposed Land Use and CLUP Amendments and Zone Changes include only policy and program revisions and will result in changes to the land use designations and/or land use densities and intensities reflected on the City's General Plan Land Use Element, no direct significant impacts would occur. Although no specific development project is currently proposed, potential future redevelopment/reuse of the City Hall Complex property has been assumed and the “programmatic” analysis prepared for such potential land use scenarios has determined that project-related impacts have either been addressed in the GPEIR. Other project-related impacts are determined to be less than significant or can be reduced to less than significant following compliance with General Plan policies, as revealed in the GPEIR. Furthermore, implementation of the proposed land use and zoning amendments would not result in significant cumulative impacts, based on the cumulative impact analysis presented in the GPEIR. Through certification of the GPEIR in July 2006, the City Council found that the benefits of *General Plan* implementation outweighed its significant environmental impacts, including cumulative impacts on aesthetics, air quality, cultural, noise, population and housing, and traffic. Future redevelopment/reuse permitted by the proposed General Plan and CLUP Amendments and Zone Change would not result in potentially significant cumulative impacts . Therefore, implementation of the proposed land use and zoning amendments is consistent with that analysis. Consequently, project implementation would result in no greater cumulative impacts than previously identified and no mitigation measures are required.



4.18(c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

Less Than Significant Impact. Previous sections of this Initial Study reviewed the proposed project's potential impacts involving each of the issues included in the environmental checklist. As concluded in these assessments, the proposed project would not result in any significant impacts related to these issues. The GPEIR, which was certified by the Newport Beach City Council in July 2006, adequately analyzed each of the issues based on buildout of the adopted General Plan. Because the proposed General Plan and CLUP Amendments and Zone Change do not result in significantly greater impacts than identified and analyzed in the GPEIR, the proposed project would not result in environmental impacts that would cause substantial adverse effects on human beings. No significant impacts are anticipated and no mitigation measures are required.

4.19 REFERENCES

The following references were utilized during preparation of this Initial Study. These documents are available for review at the City of Newport Beach, 3300 Newport Boulevard, Newport Beach, California 92663.

- 1) BonTerra Consulting, *Newport Banning Ranch Project, Volume I Draft Environmental Impact Report*, September 9, 2011.
- 2) California Department of Conservation official website, <http://www.conservation.ca.gov/cgs/rghm/ap/Pages/affected.aspx>. Accessed May 18, 2010.
- 3) California Office of the Attorney General, *Sustainability and General Plans: Examples of Policies to Address Climate Change*, updated January 22, 2010.
- 4) City of Newport Beach, *City of Newport Beach General Plan*, July 25, 2006.
- 5) *City of Newport Beach Municipal Code*, Approved by Ordinance No. 97-09, Adopted March 24, 1997.
- 6) EIP Associates, *City of Newport Beach General Plan 2006 Update, Volume I Draft Environmental Impact Report*, April 21, 2006.
- 7) *Fundamentals and Abatement of Highway Traffic Noise*, Bolt, Beranek, and Newman, 1973.
- 8) South Coast Air Quality Management District, *2007 Air Quality Management Plan for the South Coast Air Basin*, October 2003.
- 9) South Coast Air Quality Management District, *CEQA Air Quality Handbook*, November 1993.
- 10) Special Trees, City of Newport Beach, November 16, 2012.
- 11) State of California, Department of Finance, *E-5 Population and Housing Estimates for Cities, Counties, and the State, 2001-2010, with 2000 Benchmark*. Sacramento, California, May 2010.



4.20 REPORT PREPARATION PERSONNEL

City of Newport Beach (Lead Agency)

3300 Newport Boulevard
Newport Beach, California 92663
(949) 644-3210

Mr. James Campbell, Principal Planner

Keeton Kreitzer Consulting (Environmental Analysis)

P. O. Box 3905
Tustin, CA 92781-3905
(714) 665-8509

Mr. Keeton K. Kreitzer, Principal



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5.0 CONSULTANT RECOMMENDATION

Based on the information and environmental analysis contained in Section 3.0, *Initial Study Checklist*, and Section 4.0, *Environmental Analysis*, it is concluded that the proposed City of Newport Beach City Hall Reuse Project would not have a significant effect on the environmental issues analyzed. Accordingly, it is recommended that the first category be selected for the City's determination (refer to Section 6.0, *Lead Agency Determination*) and that the City of Newport Beach prepare a Negative Declaration for the Project.

November 15, 2012
Date

Keeton K. Kreitzer, Principal
Keeton Kreitzer Consulting



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6.0 LEAD AGENCY DETERMINATION

On the basis of this initial evaluation:

I find that the proposed use COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

I find that although the proposal could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described in Section 4.0 have been added. A MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposal MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposal MAY have a significant effect(s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated." An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

Signature

City of Newport Beach
Agency

James Campbell, Principal Planner
Printed Name/Title

November 15, 2012
Date



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RESPONSE TO PUBLIC COMMENTS
NEWPORT BEACH CITY HALL REUSE PROJECT
MITIGATED NEGATIVE DECLARATION
NEWPORT BEACH, CA

INTRODUCTION

The 30-day public review period for the Proposed Mitigated Negative Declaration (MND) prepared for the Newport Beach City Hall Reuse Project extended from November 22, 2012 through December 26, 2012. The City of Newport Beach received three (3) comment letters on the Proposed MND during the formal 30-day public review and comment period. Responses to the comments included in each of the letters received by the City have been prepared and are included with the Proposed Final MND. The comment letters were received from:

1. California Coastal Commission (December 19, 2012)
2. Orange County Sanitation District (December 20, 2012)
3. Mr. Robert C. Hawkins (December 26, 2012)

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

LETTER NO. 1



December 19, 2012
RECEIVED BY
COMMUNITY

DEC 10 2012
DEVELOPMENT
CITY OF NEWPORT BEACH

James Campbell, Principal Planner
City of Newport Beach Planning Department
3300 Newport Boulevard, P.O. Box 1768
Newport Beach, CA 92658-8915

**Re: City Hall Reuse Project
Draft Environmental Impact Report (SCH# 2012111074)**

Dear Mr. Campbell,

1 Thank you for the opportunity to review the Initial Study/Negative Declaration Report for the City Hall Reuse Project. According to the Initial Study/Negative Declaration Report, the proposal includes amending the Land Use Element of the Newport Beach General Plan, the Coastal Land Use Plan and the Zoning Code to allow for the redevelopment/reuse of the existing City Hall Complex property. The land use designation on the City's Land Use Element Map would be amended to replace the Public Facilities (PF) land use designation with a new Mixed-Use-Horizontal (MU-H5) land use designation for the City Hall site. Similarly, the Coastal Land Use Plan would also be amended to amend the Public Facilities (PF) designation to reflect the new Mixed-Use (MU) land use designation. Lastly, the Public Facilities (PF) zoning on the subject property would also be changed to the new Mixed Use-Lido Village (MU-LV) zoning. The document states that the Mixed Use land use designation and zoning for the City Hall site would allow for a potential mixed-use development that would also include provisions for open space, including public plazas and promenades. A change to Policy 4.4.2-1 of the Coastal Land Use Plan is also proposed that would allow the 35-foot height limit for the site (the site is located in the Shoreline Height Limitation Zone) to be exceeded. The policy change would allow buildings and structures up to 55-feet in height and also allow architectural features to exceed 55-feet by 10-feet for a maximum height of 65-feet.

The proposed project is located within the Coastal Zone in the City of Newport Beach. The proposed development will require an amendment to the City's Coastal Land Use Plan and a Coastal Development Permit from the California Coastal Commission.

The following comments address the issue of the proposed project's consistency with the Chapter 3 policies of the California Coastal Act of 1976. The comments contained herein are preliminary and those of Coastal Commission staff only and should not be construed as representing the opinion of the Coastal Commission itself. As described below, the proposed project raises issues related to land use and visual impacts.

Below are the comments by Commission staff on the Initial Study/Negative Declaration Report.

LAND USE

2 Section 30213 of the Coastal Act requires the protection and encouragement of lower cost visitor and recreational facilities and gives preference to such development. Section 30222 of the Coastal Act places a priority on visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation, which have priority over private residential, general industrial and general commercial development. The proposed land use and zoning amendments would allow for a variety of future land uses on site, including residential, hotel, retail, a community center and fire station and open space. However, it appears that an emphasis has been placed on only future commercial and residential development on site, which are lesser priority uses in the Coastal Act. Lower cost coastal recreation opportunities, such as parks, open space, lower cost overnight accommodations such as hostels, etc. that provide opportunities for the public to enjoy the coast are higher priority uses in the Coastal Act. Thus, the Commission staff requests that an alternatives discussion be included in the Initial Study/Negative Declaration Report discussing other potential lower cost coastal recreation uses on site, including higher priority uses consistent with the Coastal Act such as, parks, open space, hostels, etc.

3 Many times in the Initial Study/Negative Declaration Report, reference is made to the *Lido Village Design Guidelines*, which the report states will assist in site development. According to the Initial Study/Negative Declaration Report, these guidelines dictate site design, building massing and height, architecture and landscape architecture, lighting, open space amenities, etc. and concludes that any development on site will be consistent with those guidelines. Please be aware that this document has not been reviewed nor certified by the Commission. The proposed project must be consistent with the Chapter 3 policies of the California Coastal Act of 1976, with the City's certified Coastal Land Use Plan used as guidance.

VISUAL IMPACTS

4 The Initial Study/Negative Declaration Report also evaluated a proposed change to Policy 4.4.2-1 of the Coastal Land Use Plan, which currently limits development in the Shoreline Height Limitation Zone, which the City Hall site is located within, to a 35-foot height limit. The policy change involves modifying the policy to allow buildings and structures up to 55-feet in height and also allow architectural features to exceed 55-feet by 10-feet for a maximum height of 65-feet on the subject site. The Initial Study/Negative Declaration Report provides an analysis of how this height would not impact coastal views from a number of areas. However, it fails to include a thorough discussion of how the proposed height would be compatible with the surrounding area. At most the document states the following: "*Several other taller residential, offices, and a mixed use building are also located in the vicinity of the project and within the view.*" A more complete analysis that discusses how the proposed height is compatible with the existing community character is needed. For example, what are the heights of these other structures that the document says the proposed height would be compatible to?, where specifically are these structures?, why is this excessive height necessary? etc.

Currently, the City of Newport Beach is processing an amendment to their certified Coastal Land Use Plan, more specifically Policy 4.4.2-1. That is the same policy that is also being proposed to be amended to include and allowance to deviate from the 35-foot height limit of the Shoreline Height Limitation Zone. The Coastal Land Use Plan amendment proposes to modify the policy to allow a 73-foot tower element at the Marina Park site. This amendment language

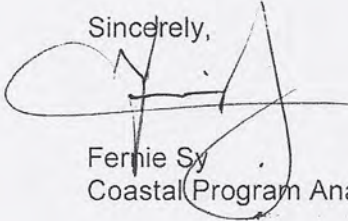
Initial Study/Negative Declaration Report
City Hall Reuse Project
Page 3 of 3

is shown in your Initial Study/Negative Declaration Report as if it were already approved by the Commission. Please be aware that this amendment/language has not yet been approved by the Commission. It still needs to be analyzed and processed by the Commission. Both of these changes to the height limit raise significant concerns regarding adverse impacts to public views and consistency with community character and thus need to be thoroughly reviewed.

5 Commission staff wouldn't want the City and/or potential private entity to invest significantly in a proposal that may be profoundly at odds with the policies of the Coastal Act. Given the concerns raised above regarding both the land use and allowable height, we strongly encourage the City to complete processing its amendment to the Coastal Land Use Plan with the Commission before any specific project is contemplated on the project site. The outcome of that process could fundamentally change/effect the type of development the Commission would find to be appropriate at the site under the Coastal Act.

6 Thank you for the opportunity to comment on the Initial Study/Negative Declaration Report for the City Hall Reuse Project. Commission staff request notification of any future activity associated with this project or related projects. Please note, the comments provided herein are preliminary in nature. Additional and more specific comments may be appropriate as the project develops into final form and when an application is submitted for a Coastal Land Use Plan amendment and Coastal Development Permit. Please feel free to contact me at 562-590-5071 with any questions.

Sincerely,



Fernie Sy
Coastal Program Analyst II

Cc: State Clearinghouse

1. California Coastal Commission (December 19, 2012)

Response to Comment No. 1

The comment restates the project description accurately. The City acknowledges the need to process an amendment of the City's Coastal Land Use Plan (CLUP) with the California Coastal Commission (CCC). The comment implies that the proposed project requires a Coastal Development Permit (CDP); however, no development project is contemplated at this time. The proposed project is an amendment of the City's General Plan, CLUP, and Zoning Code to provide policies and regulations for future development of the site. The City understands that no CDP would be required for an amendment of the CLUP and the City acknowledges the need to obtain a CDP for a future development project.

Response to Comment No. 2

The comment indicates that Section 30213 of the Coastal Act requires the protection and encouragement of lower cost visitor and recreational facilities and gives preference to such development. While Section 30123 does require the protection and encouragement of lower cost visitor and recreational facilities, developments that provide public recreational opportunities are preferred. Section 30213 does not provide a preference for lower cost visitor facilities.

The comment correctly indicates that the proposed project would allow for a variety of uses including residential uses. Specifically, the project would provide for the horizontal or vertical intermixing of commercial, visitor accommodations, residential, and/or civic uses. Civic uses may include, but are not limited to, a community center, public plazas, a fire station and/or public parking. The proposed project does not create any preference for residential uses over any other use. The proposed project provides opportunities for visitors and recreational facilities by accommodating future development of the site with a hotel and through the reservation of at least 20% of the site for public open space planned to be developed with urban public plazas and promenades. The intended purpose of the public plazas and promenades is to facilitate public access connecting various nearby visitor-serving commercial areas with the beach and bay as described in the Lido Village Design Guidelines. It should be noted that visitor accommodations (i.e. hotels, motels or hostels) not only serve visitors, they also provide recreational opportunities. Additionally, they provide increased awareness of and access to community and regional recreational activities to their guests through their promotional materials and partnerships with Visit Newport Beach and other visitor-serving and recreational uses in the area.

The City has been examining the future use of the site for the past 2 years with the goal of revitalizing the broader Lido Village area. Lido Village was once a strong visitor-serving commercial area providing services for residents and visitors. The area has declined over the years due to a variety of social and economic factors. Reuse of the City Hall site can be a catalyst for future enrichment of the area to better serve the community and visitors. Future reuse of the site was also considered with other planned and permitted improvements, specifically, Sunset Ridge Park and Marina Park. These needed improvements are well situated and designed to provide enhanced recreational activities as well as improved public access to the coast. Within this context, use of the site as a park was not considered necessary given the site's location. Most opportunities created at these planned facilities will be no or low cost. As noted above, the project would require future development of the site to maintain no less than 20% of the site as no cost public open space (i.e. urban public plazas and promenades). The proposed project does not exclude other lower-cost visitor or lower cost recreational facilities or uses.

Response to Comment No. 3

Although the Lido Village Design Guidelines (Guidelines) have neither been reviewed nor certified by the Coastal Commission, the document was prepared as a collaborative effort with City staff, a Citizens Advisory Panel, local landowners, and businessmen and women in order to provide a clear “vision” for the renewal of the Lido Village Neighborhood, including the City Hall property. As indicated in this comment, redevelopment/reuse of the City Hall property must comply with the policies of the California Coastal Act. In addition to these broader policies, Table 4.10-2 in the Initial Study provides an analysis of the relevant policies in the City’s adopted Coastal Land Use Plan and the relationship of the project to those policies. It must be understood that the Guidelines provide guidance for ensuring that the Lido Village Neighborhood vision is achieved. The Guidelines address a wide range of planning and design concepts to enhance the character of development within Lido Village, and are intended to ensure consistency with the broader policies articulated in the California Coastal Act by including public open space. The design guidelines address village edge conditions, pedestrian circulation and open space, sustainability, architecture, and landscape architecture in an effort to not only create the desired character for Lido Village but also to ensure compatibility with existing and future development within the area.

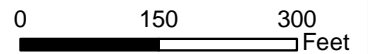
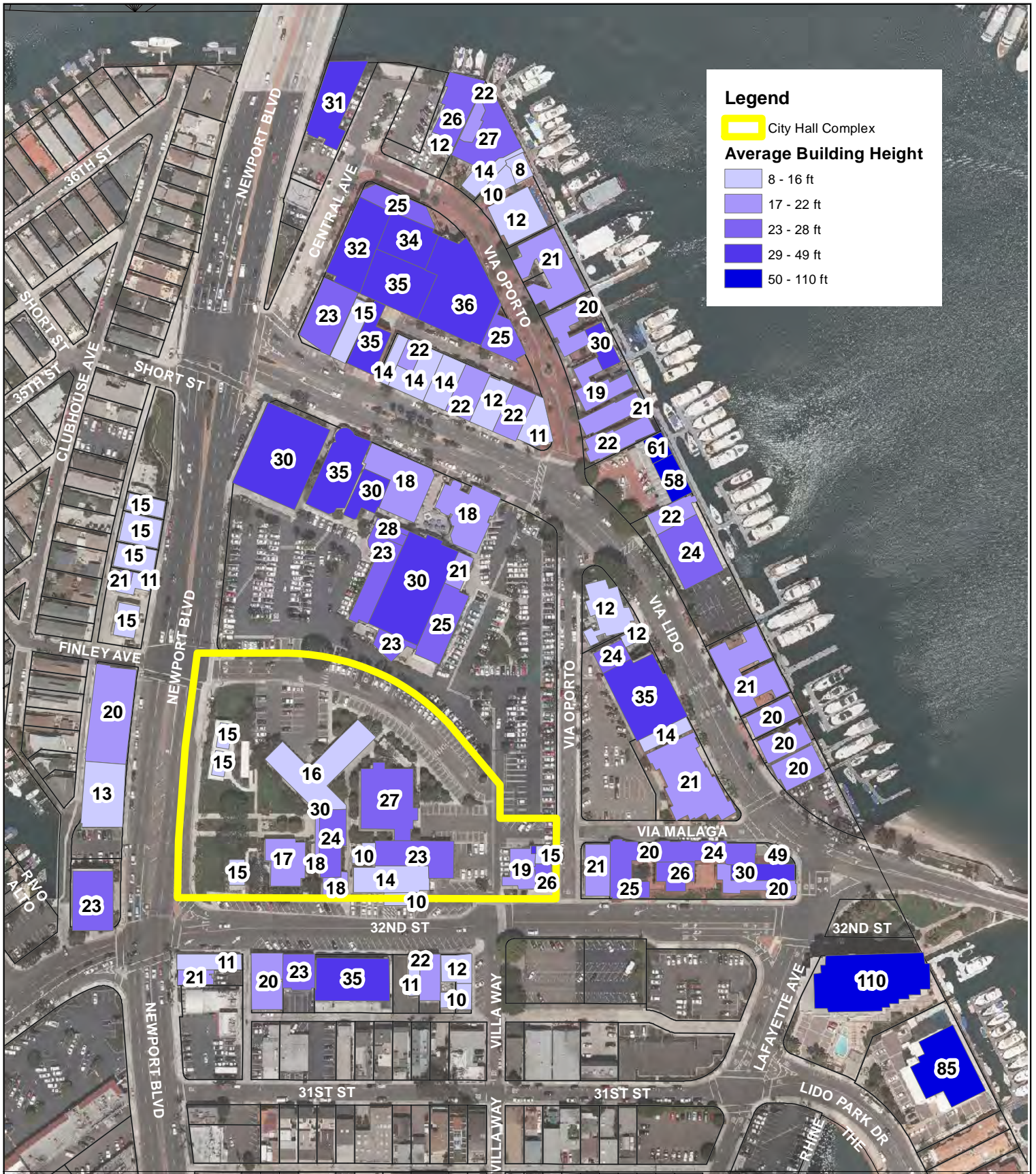
Response to Comment No. 4

As indicated in this comment, the Coastal Land Use Plan Amendment currently being processed by the City that would allow deviation from the existing 35-foot height limit of the Shoreline Height Limitation Zone has not been approved by the Coastal Commission. The project includes a proposed change to CLUP Policy 4.4.2-1 to accommodate taller development. The proposed amendment requires that future development must demonstrate that it does not negatively impact public views. Additionally, the purpose for allowing taller buildings is clearly described within the draft amendment; “...to promote vertical clustering resulting in increased publically accessible on-site open space and architectural diversity while protecting existing coastal views and providing new coastal view opportunities.” The purpose and avoidance of negative impacts to public views is consistent with the policies articulated in the Coastal Act.

Increased height of future buildings under these circumstances would be consistent with the existing community character. As noted in the Initial Study/Negative Declaration, several tall structures are already present in the Lido Village and surrounding areas. The attached map and photographs below show the location and height of surrounding buildings.

The proposed amendments do not conflict with policies of the Coastal Land Use Plan and Coastal Act. Specifically, the project is consistent with Section 30213 and 30222 providing opportunities for visitors and recreational facilities by accommodating future development of the site with a hotel and through the reservation of at least 20% of the site for public open space planned to be developed with urban public plazas and promenades allowing public access and low-cost recreational activities. The intended purpose of the public plazas and promenades is to facilitate public access connecting various nearby visitor-serving commercial areas with the beach and bay as described in the Lido Village Design Guidelines in furtherance of Chapter 3 of the Coastal Act that seeks to enhance public access within the coastal zone.

The proposed amendments do not significantly impact protected coastal views due to the location of the site. Future development of the site consistent with the proposed amendments will result in taller buildings that would not be incompatible with the area due to the presence of several other tall developments in the area namely a 5-story building located at 3388 Via Lido, a 3-story building located at

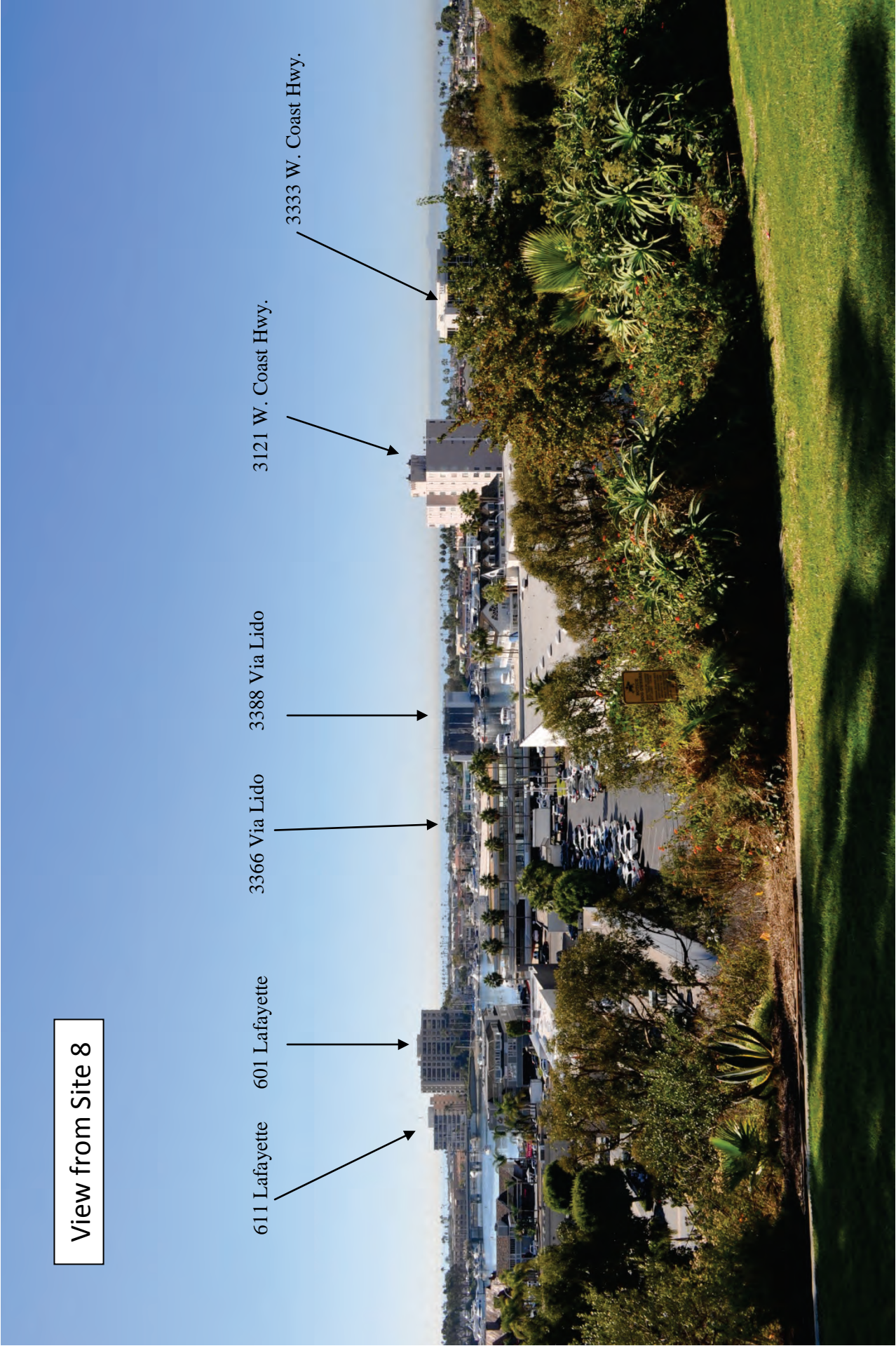


Lido Village Building Height Analysis



View from Site 8

- 611 Lafayette
- 601 Lafayette
- 3366 Via Lido
- 3388 Via Lido
- 3121 W. Coast Hwy.
- 3333 W. Coast Hwy.



3366 Via Lido, several 3-story buildings located in Lido Marina Village, and two multi-story high rise residential towers located nearby at 601 and 611 Lafayette Avenue.

Response to Comment No. 5

As recommended in this comment, the City of Newport Beach will complete the Coastal Land Use Plan amendment process through the California Coastal Commission prior to taking any action to approve any specific land use on the project site. Although a development project may be approved before Coastal Commission approval of the proposed amendment, the City understands that such an approval would not be valid until certification of the amendment by the Coastal Commission. In addition, any future development project would require approval of a Coastal Development Permit (CDP), which would necessitate review and approval by the Coastal Commission

Response to Comment No. 6

This comment is acknowledged. The City of Newport Beach will continue to notify the Coastal Commission of any future activity associated with the proposed Newport Beach City Hall Reuse Project.

Orange County Sanitation District

10844 Ellis Avenue, Fountain Valley, CA 92708

(714) 962-2411 www.ocsewers.com

RECEIVED BY
COMMUNITY

LETTER NO. 2

DEC 26 2012

DEVELOPMENT
CITY OF NEWPORT BEACH

December 20, 2012

James Campbell, Principal Planner
City of Newport Beach
3300 Newport Blvd.
Newport Beach, CA 92658

SUBJECT: Notice of Intent to Adopt a Negative Declaration for the
Newport Beach City Hall Reuse Project

Thank you for the opportunity to review and comment on the Notice of Intent (NOI) to Adopt a Negative Declaration (ND) for the Newport Beach City Hall Reuse Project within the City of Newport Beach (City). The project site is located at 3300 Newport Blvd.

The proposed project would allow for the potential mixed-use development of the 4.26 acre lot to include retail space, hotel, multiple-family residential dwelling units, and retention/replacement of the fire station. The project site is within the jurisdiction of the Orange County Sanitation District (OCSD).

OCSD would need to review and approve sewer connection plans of the above mentioned development. Please note that any construction dewatering operations that involve discharges to the local or regional sanitary sewer system must be permitted by OCSD prior to discharges. OCSD staff will need to review/approve the water quality of any discharges and the measures necessary to eliminate materials like sands, silts, and other regulated compounds prior to discharge to the sanitary sewer system. Connection permits are also required.

Thank you for the opportunity to comment on the proposed development. If you have any questions please contact Jim Burror, Engineering Supervisor at (714) 593-7335.

Daisy Covarrubias

Daisy Covarrubias
Sr. Staff Analyst

DC:sa
EDMS:003968269/1.6f

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- Villa Park
- Yorba Linda
- County of Orange
- Costa Mesa Sanitary District
- Midway City Sanitary District
- Irvine Ranch Water District



2. Orange County Sanitation District (December 20, 2012)

Response to Comment No. 1

This comment is acknowledged. A condition of approval for any future project will require that review and approval of any sewer connection plans, including any construction dewatering operations that involve discharges to the local or regional sanitary sewer system, occur prior to the issuance of a grading permit.

LAW OFFICES OF ROBERT C. HAWKINS

LETTER NO. 3

December 26, 2012

Via Facsimile and email (Jcampbell@newportbeachca.gov)

James E. Campbell, Principal Planner
 Department of Community Development
 City of Newport Beach
 3300 Newport Blvd.
 Newport Beach, California 92663

Re: Comments on the Notice of Intent to Adopt a Mitigated Negative Declaration and the Draft Mitigated Negative Declaration ("DMND") for the City Hall Reuse Project (the "Project").

Dear Mr. Campbell:

Thank you for the opportunity to comment to comment on the captioned matter. This firm represents Friends of Dolores, a community action group dedicated to ensuring compliance with state and local laws including the California Environmental Quality Act, Public Resources Code sections 21000 et seq., Friends of City Hall, a community action group dedicated the preservation of the "City Hall" site for civic purposes, and others in the City in connection with the captioned matter.

As indicated below, we have several concerns regarding the captioned DMND and the Project.

I. Summary of Concerns.

This summary seeks to compile our comments but does not provide a complete and exhaustive account of the comments contained herein. So, please consider and respond to all comments herein.

- 1 | A. The DMND is printed entirely and completely in Italics: the Italics is impossible to read and comment on. The City must review itself the comments on the Italicisd DMND and the italicized DMND itself, and consider whether or not it can comprehend the document. If it can, please respond to these comments without italics. (See how easy it is to read. See our comments below except where we quote the DMND in the original.) If it cannot, it must prepare and recirculate an un-italicized version of the DMND for public review and comment.
- 2 | B. Section 1.0, Introduction, fails to provide a clear and understandable informational document because it is in italics. Further, Section 1.0 fails describe

James E. Campbell, Senior Planner

December 26, 2012

fully the purpose of the DMND and to discuss fully all documents relied upon in the DMND.

- 3 | C. Section 2.0 the Project Description, fails to describe the full Project, fails to provide any specifics about the nature and use of the Project, fails to discuss fully the Lido Village Design Guidelines which are a part of the Project, conflicts with the Lido Village Design Guidelines in several respects, fails to describe fully various Project features including streetscape improvements, land uses for the Project and other important factors.
- 4 | D. Section 3.0, the Environmental Summary, fails to consider the setting as of the day of the hearing: the City has long ago left the current Civic Hall site. Indeed, the City began using the new City Hall site long before it left the alleged current Civic Center. Indeed, Section 3.0 inaccurately describes the uses at the current Civic Hall site. Moreover, it fails to discuss the new City Hall site which is a site under the Circulation Improvement and Open Space Agreement dated June 30, 1993 by and between the City and The Irvine Company (hereafter "CIOSA").
- 5 | E. Section 4.0, the Environmental Analysis, fails to analyze fully the Project's impacts on a wide variety of resources including:
 - 1. The Project has significant unanalyzed aesthetic impacts including light, glare and shade as a result of buildings in excess of the height limits;
 - 2. The Project has potentially significant impacts on Geology and Soils, and Hydrology which are not analyzed in the DMND.
 - 3. The Project has significant and unanalyzed land use impacts including dividing an existing neighborhood, being inconsistent with adjacent land uses and adjacent building heights,
 - 4. The Project has the potential to create significant noise impacts by bringing sensitive receptors to the City's entertainment and bar areas which have historically created noise problems for nearby residents.
 - 5. The Project will create significant traffic impacts by making unspecified roadway improvements which may adversely affect traffic on the Balboa Peninsula.

II. Introduction: Legal Standard.

CEQA Guidelines section 15070(b) requires that a mitigated negative declaration show that:

"project plans or proposals . . . would avoid the effects or mitigate the effects to a point where **clearly no significant effects would occur.**"

Id. (Emphasis added.) Further, environmental documents such as the DMND are reviewed using the "**fair argument standard:**"

James E. Campbell, Senior Planner

- 3 -

December 26, 2012

“Under this test, the agency must prepare an EIR whenever substantial evidence in the record supports a **fair argument** that a **proposed project may have a significant effect** on the environment. [Citations.] If such evidence is found, it cannot be overcome by substantial evidence to the contrary.”

Gentry v. City of Murrieta (1995) 36 Cal. App. 4th 1359, 1399-1400. The DMND recognizes that:

“The environmental documentation, which is ultimately selected by the City of Newport Beach in accordance with CEQA, is intended as an informational document undertaken to provide an environmental basis for subsequent discretionary actions upon the project.”

DMND, page 1 (Emphasis in the original; see how hard it is to read?) However, because the entire DMND uses this emphasis throughout, it is impossible for the public or decisionmakers to determine the areas of importance or areas of emphasis. Because of this, the DMND fails to perform its function as an “informational document.”

In addition, as discussed below, the DMND fails to satisfy this “fair argument standard,” because substantial evidence in the record supports a fair argument that the Project has the potential to create significant impacts on aesthetics, land use, noise, traffic, and other resources.

II. Section 1.0, the Introduction, Cannot Perform its Explanatory Function, Fails to Refer to Important Documents, and Fails to Explain the Purpose of the DMND.

Page 1 of the DMND purports to discuss the purposes of the Initial Study/Environmental Analysis. It ignores the DMND’s requirement to describe completely and thoroughly the Project under review. Page 2 recognizes that this is required by CEQA Guidelines section 15063. But as described below, the DMND does not describe the Project in any detail at all and does not fully describe all Project features.

Section 1.3 is entitled “Incorporation by Reference.” It refers only to the City’s General Plan, the FEIR for the General Plan, and the Zoning Code. Although the Project lies in the Coastal Zone, DMND, page 9, it fails to reference the 2005 Coastal Land Use Plan for the Local Coastal Program (“CLUP”). Moreover, although it refers throughout to the Lido Village Design Guidelines (“Guidelines”), Section 1.3 ignores these Guidelines.

III. Section 2.0, the Project Description, is Wholly Inadequate: It Fails to Describe the Project in Any Detail and Does not Describe the Full Project.

Section 2.0 attempts unsuccessfully to describe the Project. Section 2.1 discusses the Project location, and, among other things, it states:

“The Newport Beach City Hall property, which encompasses 4.26 (gross) acres, including 3.96 usable acres, is located at 3300 Newport Boulevard (northeast corner of 32nd Street and Newport Boulevard).”

DMND, page 5 (Emphasis omitted to make the quote easier to read.) Nowhere does the DMND discuss the reason that the 4.6 acre site has on 3.96 usable acres and .64 unusable acres. Indeed, in

James E. Campbell, Senior Planner

- 4 -

December 26, 2012

the 2010 planning effort lead by former Mayor Michael Henn who has not recused himself from considering the Project, adjacent property owners sought a lot line adjustment to square off the City Hall property. Such plans are not part of the Project.

Further, Section 2.1 includes a discussion of the Environmental Setting which is usually a separate and distinct section from the Project Description. Here, the DMND states that:

10

“the City is anticipating the receipt of applications for a multiplefamily residential development across Via Oporto to the east.”

DMND, page 5. Although this is interesting, it is irrelevant. Applications which are not filed with the City or rumors of such applications at the time of the Notice of Preparation or even at the time of publication of the DMND, are irrelevant.

Section 2.0 states that the Project includes a General Plan Amendment, Zoning Code changes and amendment to the CLUP. The General Plan Amendment would create yet another General Plan Anomaly Site which itself creates the potential for land use impacts. The Anomaly includes 99 dwelling units and 15,000 square feet of commercial uses or 99,625 square feet of hotel uses; the Project can include any combination of dwelling units and hotel rooms so long as the combination does not exceed 99 dwelling units or 99,675 square feet of hotel uses. Table LU2. However, Table LU2 does not state what happens to the commercial square footage under the combination plan.

11

However, as indicated below, these figures are odd: 99 dwelling units, not 150 dwelling units, and 99,675 square feet of hotel uses, not 200 square feet of hotel uses. What is the limiting factor here? Is it Charter section 423 which limits square footage in the City’s statistical areas? See the comments below regarding Land Use and Planning impacts.

The CLUP Amendment raises the 35 foot maximum height limit to 55 feet with roof peaks and elevator towers may be five feet higher for a total of 60 feet high. The DMND states:

12

“The purpose of allowing buildings, structures and architectural elements to exceed 35 feet is to promote vertical clustering resulting in increased open space and architectural diversity while protecting existing coastal views and providing new coastal view opportunities.”

DMND, page 11 (Emphasis omitted to make the quote easier to read.) It is unclear how this tall building will protect existing coastal views or promote vertical clustering without causing significant aesthetic and land use impacts.

The Zoning Code Amendments allow for the uses and heights, and requires that 20% of the Project site be maintained as:

13

“as public open space (e.g., public plazas, pedestrian promenades, outdoor recreational spaces, patios, landscaping, etc.)”

DMND, page 12 (Emphasis omitted to make the quote easier to read.) However, as indicated above, the Project site has .64 unusable acres. This will be the open space but the DMND fails to state where this is located.

James E. Campbell, Senior Planner

- 5 -

December 26, 2012

Finally, the DMND discusses several public street improvements. Subsection 4 states:

“Streets abutting or near the project site may be improved as a result of future development of the project site. These streets are Newport Boulevard, 32nd Street, Via Lido, Via Oporto and Via Malaga.”

14

Id. However, Subsection 4 fails to discuss or describe any such street improvements. Moreover, it omits the most important street abutting the Project site: Finley Avenue. Although the DMND discusses Finley Avenue, DMND, page 5, it ignores the necessary street improvements for this Project site. Indeed, with the substandard Finley Avenue, the Project will have impacts on the street and on circulation generally. Finley Avenue must be improved as part of the Project.

In addition and as indicated above, the DMND refers throughout Section 4.0, “Environmental Analysis,” to the Guidelines. For instance, Section 4.1(a) regarding aesthetic impacts on a scenic vista states:

“As previously indicated, **future redevelopment/reuse of the City Hall Complex property must comply with the design guidelines prescribed in the Lido Village Design Guidelines, which are intended to establish a unified aesthetic character and visual quality within the Lido Village neighborhood.** As indicated in that document, ‘the site has a strong visual connection on the Village with a connection to the beach at 32nd Street. Specific architectural and landscape parameters are included in that plan to ensure that the ‘unified’ aesthetic character and visual quality desired for the City Hall Complex property are achieved. As reflected in the document, **‘Improvements should feature enhanced public spaces with a pedestrian focus. Major roadways should be improved, reinforcing pedestrian connectivity to the rest of the Village. New buildings should also relate to the mix of uses of the surrounding parcels.’** As a result, no significant impacts to an existing scenic vista would occur.”

15

DMND, page 29 (Emphasis omitted to make the quote easier to read except bold is supplied.) Of course, the DMND provides no citation to the Guidelines quotation. However, the Guidelines are not regulations as implied by the DMND. Indeed, the January 10, 2012 Resolution which adopted the Guidelines stated in Section 2. California Environmental Quality Act states that:

“This action is not defined as a project and does not require environmental review under the California Environmental Quality Act (CEQA) because it involves general policy and procedure making activities not associated with a project and does not have the potential for resulting in a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment (Section 15378 of the CEQA Guidelines). The adoption of design guidelines does not authorize any specific development or project and **would only provide non-regulatory design guidance for future projects that would be subject to CEQA.**”

Resolution No. 2012-4, Page 2 of 4 (Emphasis supplied.)

- 16 The DMND erroneously regards the Guidelines as regulations which ensures that compliance with the Guidelines will ensure that the Project will not have an environmental impact. This is false. As the resolution stated, projects such as the Project must make their own environmental analysis. Given that the Guidelines were not an action under CEQA and the DMND relies on the Guidelines for its CEQA analysis, the DMND must be revised and include an analysis of the Guidelines recommendations. Indeed, the DMND must be revised as an Environmental Impact Report for the full Project including the Guidelines.

IV. Section 4.0, the Environmental Analysis, Fails to Analyze the Project's Impacts on a Whole Host of Resources. It Must be Revised as an DEIR and Circulated for Public Review and Comments.

A. Section 4.1 Must Be Revised to Analyze Fully the Projects' Impacts on Aesthetics.

17 Section 4.1 attempts to address the aesthetic impacts of the Project. Unfortunately, because it fails to understand the character of the Guidelines, it fails. For instance, Section 4.1 recognizes that the Project requires mitigation for aesthetic impacts on scenic vistas. However, instead of providing appropriate and adequate mitigation, Mitigation Measure MM 4.1-1 simply defers mitigation impermissibly. It states:

17 "Future redevelopment/reuse of the City Hall Complex property shall reflect the architecture, landscape architecture, lighting and **all applicable related guidelines established for the subject site by the Lido Village Design Guidelines.** Prior to approval of a future project for redevelopment/reuse of the City Hall Complex property, the applicant shall submit **development plans that comply with the Lido Village Design Guidelines applicable to the City Hall Complex property.**"

DMND, page 35. However, these Guidelines are not regulatory at all. As indicated above, the Guidelines require the Project to perform its own environmental analysis. The DMND defers this analysis to a subsequent project. CEQA forbids such deferred mitigation.

- 18 If an environmental document proposes mitigation measures, it must provide specific measures. It cannot defer such measures until some future date or event. "By deferring environmental assessment to a future date, the conditions run counter to that policy of CEQA which requires environmental review at the earliest feasible stage in the planning process." Sundstrom v. County of Mendocino (1988) 202 Cal. App. 3d 296, 308. See Bozung v. Local Agency Formation Com. (1975) 13 Cal.3d 263, 282 (holding that "the principle that the environmental impact should be assessed as early as possible in government planning."); Mount Sutro Defense Committee v. Regents of University of California (1978) 77 Cal. App. 3d 20, 34 (noting that environmental problems should be considered at a point in the planning process "where genuine flexibility remains"). CEQA requires more than a promise of mitigation of significant impacts: mitigation measures must really minimize an identified impact.

- 19 "Deferral of the specifics of mitigation is permissible where the local entity commits itself to mitigation and lists the alternatives to be considered, analyzed and possibly incorporated in the mitigation plan. (Citation omitted.) On the other hand, an agency goes too far when it simply requires a project applicant to obtain a biological report and then comply with any recommendations

James E. Campbell, Senior Planner

- 7 -

December 26, 2012

that may be made in the report. (Citation omitted.)” Defend the Bay v. City of Irvine (2004) 119 Cal. App. 4th 1261, 1276.

20 The DMND chooses the inappropriate mitigation. Moreover, the DMND cannot rely on the Guidelines for such mitigation or standards. The Guidelines cannot set the standards from such mitigation measures. The DMND cannot defer the design for some future date.

21 The analysis in Section 4.1(b) (damage to scenic resources) and Section 4.1(c) (damage to existing visual character of the site) suffer from the same problem: they each rely on Mitigation Measure MM 4.1-1 and the Guidelines.

22 Section 4.1(d) (light and glare impacts) suffers from a similar problem. But it also suffers from its failing to analyze the shade impacts of 55'-60' buildings of the Project. The current buildings are low rise one and two story buildings. The Project proposes to more than double the height which will generate large shade impacts. Other projects in the City, e.g. office buildings in Newport Center, require the analysis of such impacts. The DMND must be revised to include an analysis the light and shade impacts of the Project's large buildings on the surrounding land uses.

B. Sections 4.6, Geology and Soils, and 4.9, Hydrology, Fails to Analyze the Project's Potential for Earthquake, Liquefaction, and Inundation.

Section 4.6 attempts to analyze the Project's impacts on geology and soils. It forgets much of the history of the City. For instance, Section 4.6(a)(1) states:

23 “The City of Newport Beach does not have any State-designated Earthquake Fault Zones. As a result, the project site is not located within the limits of or directly affected by a designated active fault. Therefore, future redevelopment/reuse of the site pursuant to the proposed land use and zoning changes would not subject structures, residents and/or occupants of such future development to the risk or loss, injury, or death associated with fault rupture.”

DMND, page 56 (Emphasis omitted for ease of reading.) However, the General Plan's Safety Element and Figure S2 shows that the much of West Newport including areas near the Project site are near an active fault and require disclosure of such in real estate transactions. Likely, the Project would require such disclosures.

24 Also, Figure S1 and S2 show that the entire Balboa Peninsula is subject to liquefaction, and high tides and 100 year flood zone. Although the DMND recognizes the potential for liquefaction and flooding, it fails to analyze these seriously. For instance, Section 4.6(a)(3) states that the liquefaction potential is insignificant because of the existing municipal facilities on site. However, the Project is much larger than the current configuration and may create such problems.

25 More importantly, during the debate over the location of City Hall, many cited that potential for the current site to be subject to tsunami and liquefaction. Again, the DMND does not seriously assess this potential and states that such analysis must await further discretionary review. This again impermissibly defers the analysis.

C. Section 4.10, Land Use and Planning, Is Flawed. It Must Be Revised to Analyze Fully the Projects' Impacts on Land Use and Planning.

26 Section 4.10 attempts to analyze the Project's impacts on Land Use and Planning resources. Unfortunately, Section 4.10 uses the same mitigation measures as above: the Guidelines.

27 Section 4.10(a) attempts to analyze the Project's potential to divide an established community. It fails. First, as throughout, the DMND relies on the Guidelines as the standard for evaluation. It is not; the Guidelines are not regulations. Second, it ignores the fact that the Project will include one of the highest residential facilities on the Balboa Peninsula. It will divide in fact the small beach community around the Project site. Further, as discussed below, it will facilitate other such development along the Peninsula against which City residents have always fought.

28 Section 4.10(b) seeks to analyze the conflicts of the Project with applicable land use regulations. Unfortunately, Section 4.10(b) again relies on the alleged protections of the Guidelines. However, as indicated above, the Guidelines provide no mitigation or protections. See Table 4.10-1 which discuss the Project's compliance with the Guidelines. In addition, Table 4.10-1's mitigation measures include prospective and vague mitigation measures which do not mitigate the identified impacts and fails to analyze specific impacts including land use and planning impacts.

29 In addition, the Project will create additional land use impacts on the neighborhood. Charter Section 423 limits development within the City and, when certain limits are reached, it requires an applicant to obtain voter approval for development. The only successful vote increasing such limits was the 2006 vote approving the updated General Plan. Such votes are fraught with risk, and developers avoid them at all costs. The September 25, 2012 Staff Report on the captioned Project notes that the City has pushed Section 423's limit for the Lido area. This means that, if the Guidelines promise of revitalizing other areas in the Lido areas, then such developers will face the daunting task of getting such a vote.

30 In addition, the Guidelines imposed restrictions on the type of retail at the City Hall site. The Guidelines state:

"Incorporate a dynamic tenant mix that maximizes value without compromising existing owners and their tenant mixes."

Guidelines, page 2-5. However, Section 4.10 ignores this restriction, and the impacts and limitations it places on the City Hall site.

D. Section 4.12 Fails to Analyze the Project's Potential to Create Noise Impacts on Project Residents.

31 The introduction of the huge Project with residential uses in a largely commercial area will create land use and noise problems as recognized by the General Plan Land Use Element. We have seen City residents upset about restaurants and bars staying open late near

James E. Campbell, Senior Planner

- 9 -

December 26, 2012

their residences. The Project will exacerbate this problem by bringing more residential uses in the vicinity of the commercial area with late night bars and restaurants. The placement of the large residential building at the site will create land use problems and noise for residents. The DMND ignores these impacts and states that it is a programmatic DMND. Those impacts will be analyzed in subsequent review. Again, the DMND cannot provide adequate environmental analysis by simply deferring analysis for another day. The DMND must be revised as an EIR to analyze fully and completely all impacts including the Project's potential to expose residents to excessive noise.

E. Section 4.16, Transportation/Traffic, Does not Properly Analyze the Project's Potential to Create Impacts on Traffic and Circulation.

32 As indicated above, the Project includes unspecified landscaping and roadway improvements. These improvements have the potential to create circulation problems. For instance, the City has studied the potential for turning some streets into one-way streets with additional landscaping and other improvements. Because the Project Description is so vague, it is impossible to determine the nature and extent of these circulation impacts.

More importantly, for each of the areas of analysis, the DMND impermissibly defers the analysis. For instance, Section 4.16(a) attempts to address whether the Project will conflict with the effectiveness of the circulation system. Unfortunately, Section 4.16(a) fails to answer the question:

33 "Furthermore, future discretionary redevelopment/reuse of the subject property would undergo projects-specific environmental and/or development review upon the permit requirements established within the land use and zoning proposed for the site in order to ensure potential impacts to intersection LOS are minimized. Due to the conceptual nature of the future development scenarios analyzed in Section 4.16(b), an individual assessment of potential impacts to traffic and transportation would be required if determined necessary by the City at the time a reuse plan is submitted to the City. If necessary, mitigation would be recommended to avoid or lessen potential impacts at the site specific level."

DMND, page 112 (Emphasis omitted for ease of reading.) This impermissibly defers the analysis that the DMND is supposed to perform. Section 4.16 is filled with such deferred analysis.

34 Further, the DMND ignores the traffic from the Fire Station as part of the Project site. According to the DMND, the Station does not generate any traffic at all. However, the Station has numerous employees which travel to and from work. The DMND must be revised to include the trips for such employees and managers.

V. Conclusion: A Fair Argument Exists that the Project Has the Potential to Create Significant Impacts, and CEQA Requires Preparation of an EIR.

35 The DMND fails to perform any of its required functions as an informational document. First, it is all italics which makes it difficult to read. Second, the Project Description is too vague and incorporates Project features which are unstated, e.g. the circulation improvements. Third, it

James E. Campbell, Senior Planner

- 10 -

December 26, 2012

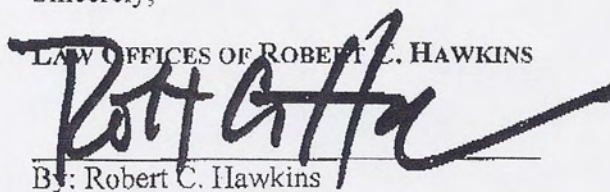
and incorporates Project features which are unstated, e.g. the circulation improvements. Third, it fails to analyze correctly the Project's impacts on aesthetics, geology and hydrology, land use, noise, and traffic.

36 | Because of all of this, CEQA requires the preparation of an EIR.

37 | Thank you, again, for the opportunity to comment on the DMND. Please provide us with notice of any responses to these comments in a non-italicized format and with notice of any and all hearings on the captioned Project.

Of course, should you have any questions, please do not hesitate to contact me.

Sincerely,

LAW OFFICES OF ROBERT C. HAWKINS

By: Robert C. Hawkins

RCH/kw

cc: Leilani Brown, City Clerk (Via Facsimile Only)

3. Mr. Robert C. Hawkins (December 26, 2012)

Response to Comment No. 1

The use of “italics” as indicated in this comment was not intended to confuse the reader. This type font was used consistently throughout the document. As requested, the responses to the comments submitted on the Draft Initial Study/Mitigated Negative Declaration (IS/MND) are provided in “normal” type face.

Response to Comment No. 2

Chapter 1.0 (Introduction) provides a brief discussion of the relevant statutory basis for the environmental analysis. The purposes of the Draft IS/MND are clearly articulated in Section 1.2 on pp. 1 and 2 of the document. In addition, this chapter also includes a discussion of the documents that include relevant information and analysis that have been incorporated by reference as permitted in Section 15150 of the CEQA Guidelines. A comprehensive list of the documents upon which the analysis presented in the Draft IS/MND is included in Section 4.19 (References). It is important to understand, however, that not all of these reference documents were incorporated by reference. As indicated in the preface to the listing of the references used to prepare the Draft IS/MND, all of the reference documents were available at the City of Newport Beach.

Response to Comment No. 3

The full and complete project description is presented in Chapter 2.0. It is important to note that no specific development project is currently proposed. Therefore, the project description includes only a description of each of the discretionary approvals that will be considered by the City of Newport Beach Planning Commission and City Council. As identified and described on pp. 9-12, the discretionary approvals include: (1) an amendment to the Newport Beach Land Use Element of the General Plan; (2) an amendment to the Newport Beach Coastal Land Use Plan (CLUP); and (3) an amendment to the City’s Zoning Code. In addition, a brief description of the types of street improvements anticipated by the City is also provided. This comment incorrectly suggests that the Lido Village Design Guidelines are “part of the project.” However, although not included as a project “component”, the Lido Village Design Guidelines will guide future redevelopment/reuse of the City Hall property because the subject site is located within the Lido Village area subject to the Guidelines. As such, the Guidelines are discussed throughout relevant sections of the analysis, including aesthetics, land use and planning, etc. Finally, greater detail regarding “various Project features ... and other important factors” were neither identified nor discussed in the project description because a specific development project has not been identified. Therefore, the analysis presented in the document is “programmatic” in nature (i.e., addressing the broader level of potential effects) given the lack of project specificity. As indicated throughout the analysis, future development that may be proposed in the future would be subject to subsequent environmental review and analysis should it be determined that the analysis presented in the Draft IS/MND did not adequately evaluate the potential environmental consequences of such future development proposal.

Response to Comment No. 4

This comment is confusing and it is unclear as to what the commenter is attempting to put forward. The City has not left the current City Hall site and it remains in use today. The only activity other than ongoing construction that has occurred at the new Civic Center site has been several City Council

meetings in the new Council Chambers. Section 3.0 identifies the site as the existing City Hall Complex. The site consists of municipal office buildings and meeting facilities and Fire Station No. 2. The site accommodates parking for the uses and landscaping. Therefore, the “baseline” conditions are those related to the current use of the City Hall property and are the basis for determining potential impacts anticipated as a result of project implementation. Section 2.0 of the Draft IS/MND provides additional details related to the proposed project.

Response to Comment No. 5

It is important to note that the project proposed by the City is an administrative change to existing land use and zoning adopted for the City Hall site. Therefore, as indicated above, the analysis presented in the initial study is “programmatically” in nature because a specific development project is not proposed. Rather, the proposed project includes amendments to the City’s General Plan, Coastal Land Use Plan, and municipal code that would allow mixed use development on the existing City Hall property. Because a specific project pursuant to the land use and zoning amendments has not been proposed, the analysis focuses on the broader level of impact based on the proposed land use and zoning parameters identified and described in the project description (Section 2.3 – Project Characteristics). As a result, the analysis of the “project” was focused on the land use and zoning changes, including a range of land uses, maximum building height, etc.

Although no detailed technical studies were undertaken, potential light and glare, soils and geology, hydrology, land use, noise, and traffic impacts have been addressed in the relevant sections of the initial study based on the project parameters. Potential light and glare, noise, traffic and soils and geologic impacts are also based on prior analysis conducted for the General Plan and reflected in the General Plan Environmental Impact Report (GPEIR), which previously analyzed future buildout of the City, also at a “programmatically” level and the potential impacts associated with that anticipated buildout. Although the project proposes an amendment to the Land Use Element, the potential impacts associated with the same types of land uses as those proposed by the City for the City Hall Reuse Project was also evaluated. It must be noted that the GPEIR included substantial information and analysis, which generally addressed the same types and intensities of land uses as those that would be permitted by the proposed Land Use Element and CLUP amendments. As indicated in the initial study, those similar impacts would be expected to occur as a result of redevelopment/reuse of the City Hall property based on the land use and zoning parameters for development of the site.

Potential light and glare impacts discusses the potential sources of light that would be expected to occur as a result of the redevelopment/reuse of the subject property. Lighting is regulated by the City through the municipal code and the design would be consistent with applicable guidelines in the Lido Village Design Guidelines. Similarly, the information included in the GPEIR was also the basis for the analysis and conclusions presented in the discussion of geology and soils and hydrology. As indicated in those discussions, future development projects would be subject to regulatory agency and City requirements to address site specific soils and hydrologic conditions, including design of structures in accordance with the California Building Code (CBC), for example. In addition, there are a myriad of requirements imposed on future projects by the City that include the preparation of drainage studies and the incorporation of Best Management Practices (BMPs) to ensure that both construction and operational drainage/water quality impacts are adequately addressed.

Furthermore, as discussed in the initial study, the approval of the proposed land use and zoning changes, which would allow a mixed use development in the future, would not result in the physical division in an existing neighborhood. The site is located within the Lido Village area, which is characterized by a variety of land uses, including public/administrative, retail commercial, professional office, and residential as well as parking facilities and recreation. The assortment of mixed uses permitted by the proposed land use and zoning changes would not cause any significant changes that would divide the existing neighborhood given its current mix of land uses and existing character. Future redevelopment of the City Hall property is envisioned by the City's adopted long-range plans and acknowledged in the Lido Village Design Guidelines, which anticipates redevelopment in some form, including the provision of public open space as well as public plazas and promenades that connect the district, that is compatible and consistent with the mix of land uses that currently exist and as envisioned by the City for Lido Village.

Noise and traffic impacts are also addressed in the analysis presented in the initial study to the extent that some future reuse of the site may occur on the site. While some "sensitive receptors" may be affected by noise generated in the entertainment and bar areas of the City, such activities are regulated by the City. The circulation improvements anticipated to occur are those that would facilitate both vehicular and pedestrian traffic. As indicated in the analysis, several potential scenarios were evaluated to determine the nature and extent of potential traffic impacts. Although some reuse scenarios could result in higher daily traffic volumes, in most cases, the peak hour trips are less than the existing trips generated by the City Hall use. No significant traffic impacts would be anticipated.

Despite the analysis and the conclusions presented in the initial study for the administrative changes proposed by the City of Newport Beach, any redevelopment/reuse project proposed on the subject property in the future would be subject to review by the City to determine that the analysis presented in the initial study for the City Hall Reuse Plan adequately evaluated the project-related impacts. If it is determined that impacts beyond those identified in the programmatic initial study would occur, a subsequent environmental document would be prepared.

Response to Comment No. 6

Based on the analysis presented in the initial study, which relies on prior analysis conducted for the General Plan EIR the potentially significant environmental impacts identified can be reduced to a less than significant level with the incorporation of the mitigation measures prescribed in the document. This comment does not specify the substantial evidence in the record that supports potentially significant impacts that have not been addressed and/or mitigated. Without such information, it is not possible to speculate the nature of such "substantial evidence in the record" that supports the preparation of an EIR. The analysis presented in the Draft IS/MND concludes that the potential impacts associated with the land use and zoning amendments have been identified at a programmatic level and adequate mitigation measures have been prescribed to address the impacts associated with the proposed project.

Response to Comment No. 7

As previously indicated, a specific development project for the 4.26-acre City Hall property has not been proposed. The project description clearly describes the project as currently proposed by the City, which includes amendments to the City's Land Use Element and Coastal Land Use Plan and a zone change. These discretionary actions would change the existing land use and zoning from Public Facilities to land use and zoning that would permit mixed uses, including residential, commercial/retail, hotel and/or open space uses on the site. Because no specific project is currently proposed, the analysis presented in the

initial study was purposes “programmatic” in nature and addressed a broad range of potential impacts associated with a range of land uses that would be permitted by the proposed land use and zoning changes. While specific project features have not been identified because no project is proposed, the specific land use and zoning changes are included in the project description and the range of potential impacts are identified in each of the environmental topics. Without greater detail afforded by a specific project proposed pursuant to the proposed land use and zoning, is not possible to analyze such potential impacts beyond the general nature of the land use and zoning “programs” proposed by the City for the subject property. Therefore, as indicated in the initial study, future development of the site would be subject to further environmental analysis should it be determined that the analysis in the initial study does not adequately analyze the project-specific impacts.

Response to Comment No. 8

Although the CLUP was not identified as one of the documents that was incorporated by reference, an extensive analysis of the project’s consistent with the City’s adopted Coastal Land Use Plan (CLUP) is included in Section 4.10 (Land Use and Planning. Specifically, Table 4.10-2 on pages 90 – 96 addresses the relevant policies for Land Use, Transportation, Shoreline and Bluff Top Access, Cultural and Scientific Resources, Scenic and Visual Resources, Hazards, and a variety of related issues.

Response to Comment No. 9

As indicated in the Draft IS/MND, the gross are of the site is 4.26 acres, with a net acreage of approximately 3.96 acres. The difference between the gross and net acreage is attributable to a portion of Newport Boulevard extending across the western edge of the lot. This area is currently devoted to Newport Boulevard and is currently improved with a portion of the travel lane; curb, gutter and sidewalk; and intersection improvements at 32nd Street.

Response to Comment No. 10

While the acknowledgement of the anticipated multiple-family residential development may not be relevant, it is intended to provide additional information as to the environmental setting, including potential changes that may occur in the project area. Since the publication of the Draft IS/MND, the City has received an application to redevelop an adjacent parcel to the east across Via Oporto with 24, 3-story condominium units.

Response to Comment No. 11

Future development in accordance with the proposed land use and zoning amendments have been identified for the City Hall Reuse Project. These maximum development limits include: (1) 99 residential dwelling units; (2) 15,000 square feet of retail floor area; (3) 99,675 square feet of floor area for a hotel, including accessory commercial uses normally associated with a hotel. These General Plan density and intensity limits were identified in the September 25, 2012 City Council staff reports as not necessitating a vote of the electorate pursuant to Charter Section 423.

It is important to note that the 15,000 square feet of retail can only be developed with the mixed-use project and cannot be developed in conjunction with a hotel project. If a future project were to combine residential use with a hotel, the 15,000 square feet of retail would not be allowed. However, as indicated

in the last column of Table LU2, “Accessory commercial floor area is allowed in conjunction with a hotel and it is included within the hotel floor area limit.”

Response to Comment No. 12

Although a detailed visual analysis was not conducted because a specific project is not proposed, the assessment of potential visual impacts associated with the increase height limit indicated that there would be a less than significant impact to protected public view locations due to several factors, including distance from important designated view points, intervening development and landscaping that screens or partially screens potential future development, and development surrounding the subject property. Nonetheless, as indicated in the IS/MND, future development proposals would be subject to subsequent planning and environmental review. Supplemental environmental analysis may be required following the requisite planning and environmental review that will be required.

Response to Comment No. 13

In part, the intent of permitting a taller building on the subject site is to allow for a potential increase in open space (i.e., a taller structure could provide the benefit of a smaller building footprint and, therefore, more open space). The proposed open space standard prescribed by the zoning code amendment is intended to provide a minimum of 20 percent of the site, not including the area of the site identified as unusable that is currently devoted to Newport Boulevard. The location of the open space would be identified as part of a future development project that will be subject to subsequent planning and environmental review

Response to Comment No. 14

Street improvements would be limited to aesthetic enhancements that would neither reduce the capacity of the existing roadways nor result in impacts to circulation in the project area. Access to the project site and Via Lido Plaza will be maintained at the existing roadway east of the signalized intersection of Newport Boulevard and Finley Avenue. It should be noted that Finley Avenue only exists as a public street west of Newport Boulevard. There is no identified need to modify Finley Avenue; however, future development of the project site could include improvement of the roadway to ensure safe and convenient access associated with future development. This potential improvement would undergo a planning, engineering, and environmental review at the time a future project were to be proposed. As previously indicated, because the analysis is “programmatic” in nature (i.e., land use plan and zoning amendments), there is no specific project or “design” available to analyze. Therefore, the analysis has focused on the general nature of these improvements, which concluded that there would be no significant impact.

Response to Comment No. 15

The Draft IS/MND discusses the relationship of the project to the Lido Village Design Guidelines (LVDG). The characterization in the Draft IS/MND that the guidelines as regulatory in nature was unintentional. Rather, the discussion of the Lido Village Design Guidelines was intended to illustrate that future development must be found to be consist with the design guidelines for approval. Development of the redevelopment/reuse plan in accordance with the guidelines will promote the vision that is described in the Lido Village Design Guidelines through site planning/design and architectural compatibility.

Response to Comment No. 16

The Draft IS/MND discusses the Lido Village Design Guidelines and their relationship to the proposed project in order to provide land use context to the potential development. Specifically, the subject property is located within the Lido Village area. As such, future reuse/redevelopment of the City Hall property would be designed to be consistent with the guidelines related to architectural character, landscaping, circulation, lighting, etc., in order to be compatible with the development character envisioned for the area. If the future reuse/redevelopment were not consistent with the guidelines, potential land use and aesthetic impacts could occur. Therefore, consistency with the LVDG, in addition to the long-range goals and policies articulated in the Newport Beach General Plan and Coastal Land Use Plan support, land use compatibility and the conclusion that potential impacts would be less than significant.

Response to Comment No. 17

As indicated previously, because the analysis presented in the Draft IS/MND is assessing potential impacts of a land use element amendment and zone change (i.e., “programmatic” similar to the analysis presented in the City’s General Plan EIR) and not a specific project, specific mitigation measures for a specific project cannot be precisely identified. Therefore, the mitigation measure that requires future reuse/redevelopment of the site to comply with the LVDG is intended to achieve the “vision” articulated for the area by City.

Response to Comment No. 18

The level of analysis presented in the Draft IS/MND does not extend to a specific project. Therefore, in most cases, project-level mitigation measures are difficult to identify. Rather, the mitigation measures prescribed in the environmental document are intended to address the broader impacts associated with the broader discretionary approvals that are the subject of the analysis. Similar to the General Plan EIR, broad measures were prescribed for future development within the City of Newport Beach. Also, as required by CEQA, future project-specific development proposals for the City Hall site will be subject to additional planning and environmental review. Should it be determined that a future project would result in a potentially significant impact, supplementation environmental analysis would be required. At that time, project-specific mitigation measures, in addition to those identified in the Draft IS/MND, will be required to ensure that any potentially significant impact would be reduce to a less than significant level.

Response to Comment No. 19

As indicated above, the mitigation measures prescribed for the proposed project are not intended to “defer” analysis as suggested in this comment. Rather, these measures are intended to ensure that potential environmental impacts associated with the broader land use and zoning amendment adoption would be adequately addressed, similar to the mitigation measures prescribed in the General Plan EIR. At such time as a specific development project is proposed, it would be subject to both planning and environmental review. If it is determined that the project would result in potentially significant impacts beyond those identified in the Draft IS/MND for the land use and zoning amendments, supplemental environmental analysis would be required.

Response to Comment No. 20

Refer to Response to Comment No. 19.

Response to Comment No. 21

Without a specific development project to analyze, it would be difficult to accurately identify detailed mitigation for a future project. The analysis presented in Section 4.1(b) and Section 4.1(c) is based on the broader parameters of the increased height, potential land uses, etc., proposed by the City. These development parameters are discussed in terms of these consistency with long-range land use goals and policies and the Lido Village Design Guidelines as well as compatibility with existing land uses. The requirements prescribed in MM 4.1-1 are appropriate. Upon planning and environmental review of a future project designed in accordance with that mitigation measure, it will be possible for the City to determine if additional environmental analysis would be required.

Response to Comment No. 22

The City Hall project site is located in a mixed use area where the predominant land uses in the immediate vicinity do not include residential uses. As a result, a shade/shadow study was not conducted.

Response to Comment No. 23

As correctly stated in this comment, active faults do exist within the City of Newport Beach as illustrated on Exhibit S2. A portion of the Newport-Inglewood Fault zone extends in a northwesterly direction west of the existing City Hall property. Although there are active faults/fault traces that extend through portions of the City and in the vicinity of the City Hall property, there are no known designated Alquist-Priolo Faults that extend through the subject property. It is important to note that the discussion included in Section 4.6(a)(1) specifically focuses on fault rupture. As indicated in that discussion, there is no potential for fault rupture to occur.

Response to Comment No. 24

The analysis presented in the Draft IS/MND does conclude that potential impacts associated with liquefaction and flooding will be less than significant. Most importantly, no project is currently proposed and approval of the land use and zoning amendments would not directly result in reuse/redevelopment of the site. Furthermore, as stipulated in the analysis, future development of the site pursuant to the approval of these discretionary actions would require compliance with several policies in the Safety Element, including Policies S4.1 through S4.6, which require compliance with the most recent seismic and geological hazard safety standards, including those related to seismic shaking, liquefaction, etc. Furthermore, future development with or without the proposed project amendments is regulated by the California Building Code (CBC) and the City's Municipal Code. It is important to note that although soils underlying the site may be considered susceptible to liquefaction, there are no extraordinary factors known to exist to suggest that application of CBC and the City's Municipal Code requirements to future building design cannot fully avoid significant hazards associated with liquefaction. Building and development on Balboa Peninsula is a safe and common occurrence with proper design and engineering and is, therefore, not considered to result in significant adverse environmental consequences. Future site development would also require the preparation of a detailed geotechnical report that addresses specific project characteristics. Finally, as cited in these responses, future development is also subject to planning

and environmental review. Should it be determined that the future project could result in a potentially significant impact beyond those identified and described in the Draft IS/MND, supplementation environmental analysis may be required.

Response to Comment No. 25

Refer to Response to Comment No. 24.

Response to Comment No. 26

Section 4.10 (Land Use and Planning) provides a discussion of the potential effects of the proposed land use and zoning amendments on the physical character of the project area as well as the consistency of those proposed changes on the existing policies articulated not only in the City's General Plan but also in the Coastal Land Use Plan. As concluded in that analysis, the proposed project would be consistent with virtually all of the relevant policies adopted by the City of Newport Beach. Furthermore, the analysis concludes that project implementation (i.e., adoption of the land use and zoning amendments) would not result in any potentially significant impacts; no mitigation measures are required.

Response to Comment No. 27

Because there is no specific project proposed, it is difficult to analyze potential impacts of a future project. Nonetheless, the analysis discusses the potential for the project to "divide an established community" in the context of the long-range goals and policies as well as the Lido Village Design Guidelines, which acknowledges future reuse/redevelopment of the City Hall property. As indicated in the LVDG, the area is comprised of a mix of residential, open space/recreation, commercial/office, retail, and public/institutional uses. The introduction of a mix of uses and would be permitted by the land use and zoning amendments would include one or more of the same types of uses that are envisioned would not "divide" the Lido Village neighborhood. To the contrary, the LVDG envisions improved access through the project site to connect the community. The proposed amendments (project) would not diminish the applicability of the LVDG and it establishes a minimum public open space standard to facilitate achievement of the LVDG goals. Furthermore, all of the public services and utilities are available and adequate to serve the area. The project would not include any uses and/or features that would create a physical division

Response to Comment No. 28

Because the proposed project encompasses only administrative changes and not a plan for reuse/redevelopment of the City Hall property, the analysis focuses of the broader elements of the project as described in Section 2.0 (Project Description). As discussed above in Response to Comment No. 27, the Lido Village Design Guidelines are discussed because the City Hall property is located within Lido Village. Although not regulatory in nature, the LVDG provide the basis for guiding development within the area, including that which may be proposed in the future on the subject property. To that end, the LVDG are important because they "...are intended to bed specific enough to describe elements that create a unifying 'sense of place'..." and "... provide guidance for future improvements." (p. 1-4 Lido Village Design Guidelines). Because the City Hall property is identified as one of the five distinctive design areas, the relationship of the LVDG to the Guidelines is an important element of the analysis. Therefore, consistency of any future reuse/redevelopment of the City Hall property is particularly relevant.

Response to Comment No. 29

As previously indicated (refer to Response to Comment No. 11, development limits are included in the land use and zoning amendments that would preclude a public vote pursuant to Charter Section 423. As noted in the project description, the number of dwelling units and related development would not exceed the threshold established by Charter Section 423.

Response to Comment No. 30

The City Hall goals identified in the LVDG include: (1) provide quality outdoor spaces that are publicly accessible; (2) improve the Newport Boulevard and 32nd Street interfaces to create a secondary gateway; (3) provide for increased building heights on the City Hall Site with emphasis on mixed use zoning; (4) incorporate a dynamic tenant mix that maximizes value without compromising existing owners and their tenant mixes; (5) balance residential needs with visitor services; (6) use appropriate architectural styles with historic references in the design elements of new buildings; and (7) provide emphasis for pedestrian connections and public space. The discussion in Section 4.10 and, particularly in Table 4.10-1, reinforces the intent of the proposed project to achieve the goals articulated in the LVDG.

Response to Comment No. 31

There is no evidence provided in this comment to suggest that any future reuse/redevelopment of the City Hall property pursuant to the proposed land use and zoning amendments would result in the types of impacts identified. The City has previously approved mixed use development, including live/work projects, in Newport Beach that are located proximate to entertainment establishments including bars, restaurants

Response to Comment No. 32

As previously indicated, street improvements anticipated by the City along arterials and roadways surrounding the City Hall property are limited to aesthetic enhancements that do not affect existing or future circulation. However, should future development include improvements that modify the roadways in a way that would affect circulation flow, roadway capacity, and/or levels of service at key intersections, additional environmental review and analysis would be required.

Response to Comment No. 33

Refer to Response to Comment No. 32.

Response to Comment No. 34

Fire Station No. 2 is an existing use that currently generates traffic to and from the site as a result of home-to-work trips. Those trips currently exist and are reflected in the baseline traffic for the project area. Relocation of the existing fire station is not anticipated at this time; however, while the station could be relocated within the site, there would be no change in the number of daily trips generated by that use. As a result, no traffic impacts would be anticipated as a result of the existing or potentially relocated fire station.

Response to Comment No. 35

These comments have been addressed in prior responses. Refer to Response to Comment No. 1 (use of italics for the document), Responses to Comment No. 3 (project description), Comment Nos. 14 and 32 (circulation improvements), and Comment No.

Response to Comment No. 36

The analysis contained in the Draft IS/MND includes a “programmatic” analysis of the potential impacts anticipated to occur as a result of the proposed land use and zoning amendments. As a result, the analysis concludes that with the incorporation of mitigation measures identified in the document, as well as compliance with policies and programs mandated in the General Plan EIR, all potential project-related impacts can be reduced to a less than significant level. An EIR is, therefore, not required.

Response to Comment No. 37

As requested in this comment, the responses to these and other comments received on the Draft IS/MND are presented in a non-italic font.

RESPONSES TO SUPPLEMENTAL COMMENTS

NEWPORT BEACH CITY HALL REUSE PROJECT MITIGATED NEGATIVE DECLARATION NEWPORT BEACH, CA

INTRODUCTION

The 30-day public review period for the Proposed Mitigated Negative Declaration (MND) prepared for the Newport Beach City Hall Reuse Project extended from November 22, 2012 through December 26, 2012. The City of Newport Beach received three (3) comment letters on the Proposed MND during the 30-day public review and comment period. After the close of the comment period, additional comments were received and responses to these supplemental comments have been prepared and are included with the Proposed Final MND. The supplemental comment letters were received from:

1. Mr. Robert C. Hawkins (January 17, 2013)
2. Ms Denys Oberman (January 16, 2013)

LAW OFFICES OF ROBERT C. HAWKINS

January 17, 2013

Via Facsimile Only

Michael L. Toerge, Chair
Members of the Planning Commission
c/o James E. Campbell, Principal Planner
Department of Community Development
City of Newport Beach
3300 Newport Blvd.
Newport Beach, California 92663

Re: **Further Comments on the Final Mitigated Negative Declaration ("FMND") for the City Hall Reuse Project (the "Project").**

Greetings:

1 Thank you for the opportunity to comment to comment on the captioned matter. This firm represents Friends of Dolores, a community action group dedicated to ensuring compliance with state and local laws including the California Environmental Quality Act, Public Resources Code sections 21000 et seq., Friends of City Hall, a community action group dedicated the preservation of the "City Hall" site for civic purposes, and others in the City in connection with the captioned matter.

We have commented on the captioned DMND and offer these comments on the captioned document.

2 First, please note that, in our December 26, 2012 letter on the captioned Project and MND, we requested notices in connection with the captioned matter. Also, because we commented on the Project and the DMND, state law requires that the City provide us with a copy of the response to, at least, our comments. The City has done none of this: we did not receive any notice of this hearing; and we did not received a copy of the response to our comments. Because of this lack of notice, we are not prepared this hearing and request a continuance of two weeks so that we can submit full and complete comments on the FMND. We offer these partial comments and will prepare full comments for the continued hearing.

14 Corporate Plaza, Suite 120
Newport Beach, California 92660
(949) 650-5550
Fax: (949) 650-1181

Michael I. Toerge, Chair
Members of the Planning Commission

- 2 -

January 17, 2013

3 Second, the FMND states that "Mr. Robert C. Hawkins" submitted comments on the DMND. That is incorrect. As indicated in Letter No. 3, this office represents several community groups also listed above. I am not making these comments personally. I am required to state the clients and have complied.

4 Third, we appreciate that the City decided to print the responses to comments in non-italicized font. As is obvious, it is much easier to read. Response to Comment No. 1 recognizes that the DMND was circulated in a non-"normal" font, italics. Because of this, the DMND should be recirculated for public review and comment in this normal font so that the public can easily and fully review the DMND. The italicized DMND is the same as printing it in hieroglyphics or some other foreign language: it failed to perform its required informational purpose under CEQA. Because of this, the City must reformat the DMND and recirculate it for public review and comments.

5 Fourth, many of the responses to our comments noted that the Project is a programmatic one which includes a General Plan Amendment, Zone Change, and an amendment to the Local Coastal Land Use Plan. However, given that the City has undertaken environmental review at this point, the analysis must include an analysis of impacts under the reasonable worst case scenario. Planning & Conservation League v. Castaic Lake Water Agency (2009) 180 Cal. App. 4th 210, 252.)That is, when the Project would allow a sixty foot building, then the environmental analysis must include discussion of the shade impacts of the Project and other impacts under the "reasonable worst case scenario."

Further, as indicated in our comments on the DMND, the FMND is simply attempting to defer analysis of the Project's impacts and mitigation. Deferral of environmental analysis violates CEQA. For instance,

"By deferring environmental assessment to a future date, the conditions run counter to that policy of CEQA which requires environmental review at the earliest feasible stage in the planning process."

6 Sundstrom v. County of Mendocino (1988) 202 Cal. App. 3d 296, 308. See Bozung v. Local Agency Formation Com. (1975) 13 Cal.3d 263, 282 (holding that "the principle that the environmental impact should be assessed as early as possible in government planning."); Mount Sutro Defense Committee v. Regents of University of California (1978) 77 Cal. App. 3d 20, 34 (noting that environmental problems should be considered at a point in the planning process "where genuine flexibility remains"). CEQA requires more than a promise of analysis and mitigation of significant impacts: it requires actual analysis and mitigation measures that really minimize an identified impact.

Further, the City cannot defer mitigation:

"Deferral of the specifics of mitigation is permissible where the local entity commits itself to mitigation and lists the alternatives to be considered, analyzed and possibly incorporated in the mitigation plan. (Citation omitted.) On the other hand, an agency goes too far when it simply requires a project applicant to obtain a biological report and then comply with any recommendations that may be made in the report. (Citation omitted.)"

Michael I. Toerge, Chair
Members of the Planning Commission

- 3 -

January 17, 2013

Defend the Bay v. City of Irvine (2004) 119 Cal. App. 4th 1261, 1276.

The FMND attempts improperly to defer both environmental analysis and mitigation. The City cannot simply propose vague and programmatic measures now and then promise further analysis. We have seen similar promises broken again and again.

More importantly, both the General Plan and the Local Coastal Land Use Plan include height restrictions and policies to limit heights. The FMND fails to analyze the Project's impacts on these restrictions and policies. For instance, Land Use Element Policy LU 5.1.2 which concerns "Compatible Interfaces" states:

"Require that the height of development in nonresidential and higher density residential areas transition as it nears lower density residential areas to minimize conflicts at the interface between the different types of development."

The Project conflicts with this Policy and the FMND fails to explain the impact and provide adequate mitigation.

Likewise, the Local Coastal Land Use Plan Policy No. 2.7-1 requires:

"Continue to maintain appropriate setbacks and density, floor area, and height limits for residential development to protect the character of established neighborhoods and to protect coastal access and coastal resources."

The Project fails to maintain height limits and will have the potential to create significant impacts on land use, aesthetics, air quality and others by inserting this sixty foot structure in an area of low rise commercial and residential structures.

Fifth, as to the shade analysis, Response to Comment No. 22 fails to provide any rationale for failing to include a shade analysis. Comment No. 22 notes that the DMND fails to include the necessary shade analysis to determine fully the aesthetic impacts on the Project with its sixty foot structure. The Response states that:

"The City Hall project site is located in a mixed use area where the predominant land uses in the immediate vicinity do not include residential uses. As a result, a shade/shadow study was not conducted."

FMND, Responses to Comments, page 12(sic). This is incorrect. Residential uses surround the Project site: across 32d Street, there is a mixed use residential development; across the channel, Newport Island residents would be affected; outdoor restaurants in the vicinity would be affected including those across Newport Blvd. and those in Via Lido shopping center. Further, the DMND states in Section 2.1 that one of the reasons that the Project is compatible with the area is that the City anticipates receipt of application for multifamily uses in the vicinity.

6 (con't)

7

Michael L Toerge, Chair
Members of the Planning Commission

- 4 -

January 17, 2013

Moreover, the FMND is incorrect that shade analysis is only necessary for residential uses. However, the City has Policy K-3 which is entitled "Implementation Procedures for the California Environmental Quality Act." K-3 contains no such restriction that shade impacts shall only be considered when a project is in the immediate vicinity of residential uses.

Indeed, the Draft EIR for the Wilshire Grand Redevelopment Project included a shade analysis due to shadow sensitive uses which include residential uses but also include recreational uses, outdoor restaurants, and other uses where shadows create impacts.

Here, the Project site is surrounded by shadow sensitive uses which require an analysis of the Project's shade impacts on these uses. The City should revise and the analysis as and EIR which would fully analyze all facets of the Project, its impacts and mitigation and its alternatives.

Sixth, interestingly, Policy K-3 includes a provision that recognizes that the Project may create a potentially significant impact and requires the preparation of an EIR. Policy K-3 at Paragraph D (Environmental Determinations) subparagraph 3 (Initial Studies), states:

"In addition, the following shall be considered in determining whether or not a project may have a significant impact, in view of the particular character and beauty of Newport Beach:

"a. A substantial change in the character of an area by a difference in use, size or configuration is created."

8 The Project hits all three areas of significance: the Project will result in a substantial and adverse change in the character of the area by the introduction of a new use on the Project site: residential uses; the Project will result in a substantial and adverse change in the character of the area by the introduction of a new and substantially larger residential building; and the Project will result in a substantial and adverse change in the character of the area by the introduction of a new configuration and the elimination of substantial surface public parking in the area. The Project site may have a significant impact on the environment by creating a substantial change in the character of the Project site by a difference in use, size and configuration. Policy K-3 requires the preparation of an EIR.

Now, we know that the City Council can change or ignore these policies at will, but the Planning Commission and staff cannot. Moreover, the standard identified above is not simply a City standard; it is a CEQA standard. Public Resources Code section 21068.5. That is, because of the Project's substantial and adverse change in use, size and configuration, the Project has the potential to create significant and adverse impacts on the environment. This CEQA requirement and that of Policy K-3 requires that the City prepare an EIR for the Project.

9 Eighth, although the FMND recognizes that the Lido Village Design Guidelines are not regulatory and have not regulatory effect, the FMND still regards them as regulatory and relies on the Guidelines to show that the Project will have no impacts. For instance, Comment No. 15 raises the issue regarding the non-regulatory effect of the Guidelines and quotes Resolution No. 2012-4 which states that they are non regulatory. The Response to Comment No. 15 states in part:

Michael L Toerge, Chair
Members of the Planning Commission

- 5 -

January 17, 2013

"The characterization in the Draft IS/MND that the guidelines as regulatory in nature was unintentional. Rather, the discussion of the Lido Village Design Guidelines was (sic) intended to illustrate that future development must be found to be consist (sic) with the design guidelines for approval. Development of the redevelopment/reuse plan in accordance with the guidelines will promote the vision that is described in the Lido Village Design Guidelines through site planning/design and architectural compatibility."

Responses to Public Comments, page 10 (sic) (emphasis supplied). So, Comment No. 15 quoted a section in the DMND which said that the Guidelines are regulatory and that the Project must comply with them. The Response does not correct this error; it recognizes it and says it is unintentional(?).

9 (con't)

That is not the point. The FMND and Response to Comment No. 15 continues to regard the Guidelines as regulatory. The second sentence quoted above displays this incorrect application of the Guidelines: if development "must be found to be consist[ent] with the design guidelines for approval," then the FMND incorrectly regards the Guidelines as regulations. That is wrong. Rather, the correct description of the Guidelines and the Project is that the Guidelines are part of the Project and require their own environmental review to stand as regulations. The City should prepare an EIR to analyze the full Project: the Project and the Guidelines.

Or again, Response to Comment No. 16 shows that the FMND regards the Guidelines as regulatory in the same fashion as the General Plan and the Local Coastal Land Use Plan:

"Therefore, consistency with the LVDG, in addition to the long-range goals and policies articulated in the Newport Beach General Plan and Coastal Land Use Plan support, land use compatibility and the conclusion that potential impacts would be less than significant."

10 The General Plan and the Local Coastal Land Use Plan are regulatory and have undergone their own environmental review. The Guidelines have not. Therefore, consistency with the Guidelines does not ensure any environmental compliance at all.

More importantly, as noted above, the Project does not comply with the General Plan, the Zoning Code, and the Local Coastal Land Use Plan. The Project includes amendments to all three. Therefore, the appropriate environmental analysis must discuss all potentially significant impacts and propose adequate mitigation.

11

In conclusion, the FMND is totally inadequate. Good and sound policy reasons and good planning require the preparation of an EIR. Such an EIR would analyze all impacts including shade impacts, would include adequate mitigation, would include a discussion of Project alternatives which is necessary for the Project to go forward, and would allow the City to override any significant unmitigated impacts.

Michael L Toerge, Chair
Members of the Planning Commission

- 6 -

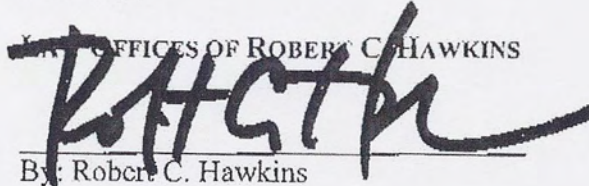
January 17, 2013

12

Thank you, again, for the opportunity to comment on the FMND. As before and although ignored for this hearing, **PLEASE PROVIDE US WITH NOTICE OF ANY RESPONSES TO THESE COMMENTS IN A NON-ITALICIZED FORMAT AND WITH NOTICES OF ANY AND ALL HEARINGS ON THE CAPTIONED PROJECT AND FMND.**

Of course, should you have any questions, please do not hesitate to contact me.

Sincerely,

OFFICES OF ROBERT C. HAWKINS

By: Robert C. Hawkins

RCII/kw

cc: Leilani Brown, City Clerk (Via Facsimile Only)

Responses to Supplemental Comments
Mr. Robert C. Hawkins Submitted to the Newport Beach Planning Commission
Letter Dated January 17, 2013

Response to Comment No. 1

This comment, which indicates that the commenter represents Friends of Dolores, Friends of City Hall, and others, is acknowledged.

Response to Comment No. 2

Section 21092.5(a) of the California Environmental Quality Act (CEQA) states, "At least 10 days prior to certifying an environmental impact report, the lead agency shall provide a written proposed response to a public agency on comments made by that agency which conform with the requirements of this division." While this requirement speaks specifically to EIRs (and is silent on other environmental documents), the City has maintained a policy of providing responses to comments on proposed NDs and MNDs, in addition to the requirement imposed on lead agencies related to EIRs. Responses to all comments submitted on the City Hall Reuse Plan proposed MND, including those submitted by individuals and organizations, were available for review prior to the Newport Beach Planning Commission hearing on January 17, 2013. Because approval of the General Plan Amendment, Coastal Land Use Plan Amendment, and Zone Change is within the purview of the Newport Beach City Council, approval of the proposed Mitigated Negative Declaration is also under that body's purview and responsibility. Therefore, responses to comments are not required to be distributed until 10 days prior to the anticipated approval of the MND.

Response to Comment No. 3

As indicated in Response to Comment No. 1, this comment is acknowledged. The record will indicate that although the letter was received from Mr. Hawkins dated December 26, 2012, it is understood that Mr. Hawkins was representing the Friends of Dolores, Friends of City Hall, and others.

Response to Comment No. 4

This comment suggesting that the IS/MND was unreadable is the only comment received that indicated the reviewer had difficulty reading and understanding the information and analysis presented in the document. The IS/MND was distributed to the State Clearinghouse, the California Coastal Commission and other responsible public agencies and/or interested individuals and organizations. With the single exception of this commenter, the City did not receive any comments from any other recipient of the IS/MND that indicated reviewers had difficulty reading the document or that it prevented them from understanding the findings and recommendations included in the environmental analysis. Recirculation of the IS/MND is not necessary.

Response to Comment No. 5

Because a specific project is not currently proposed, the level of detail in the environmental analysis presented in the initial study was limited to the "programmatic" analysis based on the land use and zoning parameters proposed by the City for the subject property. Furthermore, it is also important to note that because the proposed project is administrative in nature, its approval would not result directly in any significant impacts. Nonetheless, the initial study evaluated the secondary effects of the proposed administrative actions as required by CEQA. In addition, because future reuse/redevelopment of the City Hall property would require discretionary approval by the City, it would be subject to CEQA, necessitating further environmental review and analysis. Therefore, as noted throughout the initial study for the proposed land use and zoning amendments, future reuse/redevelopment of the site in accordance with the land use and zoning parameters would be subject to further planning and environmental review. If it is determined that such future project on the property result in a potentially significant impact (e.g., adversely affect views, etc.), subsequent environmental analysis would be required.

Because it is difficult, therefore, to determine the nature and extent of potential impacts, including the effect of shading and shadows cause by a future structure without first knowing the location of such a structure within the limits of the project site, a shade/shadow study was not prepared. Nonetheless, as suggested in this and prior comments on the proposed MND, a shade/shadow study was undertaken by the City to determine the potential limits of effect that could occur with a 55-foot high structure as permitted by the proposed maximum height limit. The results of the shade/shadow study are illustrated in the attached exhibits and the results of that study are summarized in Response to Comment No. 6, below.

Response to Comment No. 6

Although no shade/shadow-sensitive land uses are currently located in close proximity to the existing City Hall property, and application was submitted to the City that proposes residential development approximately 50 feet east of the site at 3355 Via Oporto. The City conducted a shade/shadow study to determine if future reuse/redevelopment of the subject property would result in potential adverse effects either on that property and the proposed future residential development or on other nearby sensitive land uses.

As indicated above, a shade-shadow study was conducted for the proposed project based on 26-foot and 55-foot building height limits and setback standards contained within the proposed Zoning Code Amendment for the City Hall Reuse project. It is important to note that the City of Newport Beach has determined that shadow-sensitive uses include, but are not limited to, residential, recreational and park areas, plazas, schools, and nurseries. Furthermore, the City considers that a significant impact related to shadows occurs when 50 percent of shadow-sensitive use or area is in shade/shadow for at least 50 percent of the time between 9:00 a.m. and 3:00 p.m. Pacific Standard Time (PST) between late October and early April or between 9:00 a.m. and 5:00 p.m. Pacific Daylight Time (PDT) between early April and Late October.

The shade/shadow diagrams prepared for the proposed project were produced to illustrate potential shadows cast on the winter solstice (i.e., December 21) and for October 31st in order to provide the most conservative analysis (i.e. worst case). On these days and times, the shadows are the longest and would have the greatest potential adverse effect on sensitive land uses.

October 21 Shade Shadow Results

As indicated in the attached exhibits prepared for October 21, future project-related shadows will not affect 3355 Via Oporto until approximately 1:20PM, thereby leaving this property free of project-related shadows for more than 50 percent of the time between 9:00 a.m. and 5:00 p.m. PDT. At 3:00 p.m. PDT, , less than 50 percent of the area proposed for residential development at 3355 Via Oporto would be within the shadow cast by any future development located within the building envelope of the City Hall property.

December 21 (Winter Solstice) Shade Shadow Results

On the winter solstice (December 21), project-related shadows will not affect the property at 3355 Via Oporto until approximately 1:20 p.m., thereby leaving this property free of project-related shadows for more than 50 percent of the time between 9:00 a.m. and 3:00 p.m. PST. At 3:00 p.m. PST, when the shadow is the longest because the sun is low in the sky) less than 50 percent of the area proposed for residential development at 3355 Via Oporto would be in shadow.

Therefore, based on the shade/shadow study conducted for the proposed project (i.e., future redevelopment of the City Hall property), no significant shade-shadow impacts would be expected to occur to the potential residential development that may occur at 3355 Via Oporto because shadows cast by such future redevelopment of the City Hall property would not exceed 50 percent of the time between the proscribed time periods and additionally, shadows would cover less than 50 percent of the site. As indicated above, the analysis assumed based not only on the maximum building heights but also assuming minimum setbacks. It is important to note that future building proposed for the City Hall property may not completely fill the entire building height envelope or the maximum building footprint. As a result, the exhibits illustrating the potential

shade/shadow effects are considered to be “worst case.” Nonetheless, implementation of future redevelopment based on the proposed land use and zoning amendments will not result in potentially significant impacts to future residential uses that may be developed 3355 Via Oporto.

Response to Comment No. 7

It is important to note that the multiple-family residential development on 32nd Street would not be subjected to the potentially adverse effects shade/shadows because the structures are located south of the subject property. As a result of the location of the sun to the south, the morning and afternoon shadows would be cast to the north and would not, therefore, affect structures south of 32nd street.

As indicated in Response to Comment No. 6, the City considers uses sensitive to shade/shadow effects as primarily residential, recreational and park areas, plazas, schools, and nurseries. Although other uses may also be included, including commercial development, the results of the shade/shadow study revealed that potential shadows cast by future structures located within the maximum building envelope would not adversely affect interior or exterior spaces as indicated in the attached exhibits. As a result, no significant impacts would be expected to occur to those uses based on the City’s significance criteria.

Response to Comment No. 8

As indicated in this comment, City of Newport Beach Policy K-3 (Implementation Procedures for the California Environmental Quality Act) identifies circumstances under which a project may have a potentially significant effect. However, the comment incorrectly suggests that the circumstances cited in Policy K-3 require the preparation of an EIR. The “circumstance” cited in this comment is an excerpt from Section D.3 (Initial Studies) in City Policy K-3, which discusses the preparation of initial studies. Other “circumstances” identified by the City of Newport Beach that would constitute a potentially significant impact include substantial grading and/or excavation affecting the topography and substantial changes to the shoreline, bay and/or ocean, either directly or indirectly. However, it is important to note that the determination in Policy K-3 does not conclude that if the initial study finds that the substantial change in the character of the area caused by the difference in use, etc., is significant that an EIR is required as stated in this comment. Rather, the determination related to initial studies following the identification of the three circumstances, in addition to those found in Appendix G of the CEQA Guidelines, in Policy K-3 states:

“On the basis of the information and analysis contained in the Initial Study, the Community Development Director shall determine whether a Negative Declaration or EIR should be prepared, as provided by Sec. 15063(b) of the Guidelines.”

Based on this policy determination, it must be understood that even though a project may have a potentially significant effect, preparation of an EIR is not required if it can be shown that adequate mitigation is prescribed and agreed to by the applicant that reduces potentially significant impact(s) to a less than significant level. To that end, the analysis presented in the initial study concluded in several cases that implementation of the proposed project would not result in a significant impact and no mitigation would be required. However, where a potentially significant impact was identified, mitigation measures were prescribed to ensure that such potentially significant impacts would be reduced to a less than significant level. As a result, a mitigated negative determination was made by the City.

Response to Comment No. 9

It is acknowledged that the Lido Village Design Guidelines are not regulatory. As indicated in the guidelines, the City of Newport Beach is responsible for design review and project implementation. Project must adhere to adopted General Plan, zoning policies, and regulations, which outline requirements specific for individual parcels within Lido Village, including the City Hall property. Nonetheless, the Lido Village Design Guidelines are intended to influence the theme and character of that development. To that end, the guidelines addressed all aspects of future land use that may occur within Lido Village, including edge conditions, pedestrian connection, open space, sustainability, architecture, landscaping, etc., to ensure that the objectives

articulated in the document are achieved. In addition, guidance is also provided to achieve the desired visual character and aesthetic quality within Lido Village, even though all improvements occurring with the affected area are subject to applicable regulations and permitting process imposed by the City's General Plan, zoning code and related ordinances, and other related regulatory requirements. Finally, the guidelines are intended to provide design guidance for future development and redevelopment "... with the assurance that others who follow will be held to the same or similar unifying set of standards." Thus, while they are not regulatory, they include guidance for promoting compatibility and minimizing land use conflicts through the implementation of planning and design solutions that also reduce potential adverse effects.

Response to Comment No. 10

This comment is noted. Although the Lido Village Design Guidelines have not undergone environmental review, the document was approved by the Newport Beach City Council to guide to future development and/or redevelopment within Lido Village. As indicated in the guidelines document, the objective "... is to provide owners with strong positive images and a design vocabulary for the renewal of Lido Village. "

Response to Comment No. 11

The comment that the Final Mitigated Negative Declaration is totally inadequate reflects the opinion of the commenter and is noted. However, based on the analysis presented in the initial study and the subsequent preparation of the shade/shadow analysis as requested, all potentially significant impacts identified in the initial study can be reduced to a less than significant level. As a result, preparation of an EIR is not required, as permitted by City Policy K-3 (refer to Response to Comment No. 8).

Response to Comment No. 12

As requested in this comment, the responses have been prepared in non-italicized format. Notice of future public hearings on the proposed project will also be provided as requested.

PLEASE DISTRIBUTE AND ENTER INTO THE PUBLIC RECORD

TO: CITY OF NEWPORT BEACH- PLANNING COMMISSION

FROM: Denys Oberman- residential and stakeholder

COMMENTS- January 17,2013 PLANNING COMMISSION AGENDA:

PUBLIC HEARING ITEM #4: Existing City Hall Complex Reuse Amendments PA 2012-031

Staff has submitted a Mitigated Negative Declaration(MND) in connection with the proposed amendments to the General Plan, Coastal Land Use Plan, and Zoning Code to change the Land Use and zoning designation from "Public Facilities" to "Mixed Use". The amendment proposes to include additional land use and development standards to facilitate a "future mixed use project" that could include up to 99 apartments, 15,000 sq. feet of retail commercial area, and up to 99,675 sq ft. of hotel uses.

I have reviewed the MND document, the comments of R. Hawkins and the Coastal Commission analyst, and related responses. There are numerous inconsistencies and flaws in logic in the MND and staff's proposed Amendments, which I summarize briefly below.

1. The Design Guidelines , as staff points out, are NOT a regulatory document. Furthermore, they do not properly reflect the input or desires of the community. The Guidelines are NOT a Master Plan or any other binding document, and should not be relied upon for any planning or development recommendation.
These Guidelines should not be referenced or relied upon by the Planning Commission , decision making body, the public, or potential developer, as they would be misleading.
2. At some points, the MND recites that the proposed Amendments have no material environmental impact. There is with certainty, significant environmental impact associated with ANY of the proposed reuses. If for no reason other than the scale inherent in any of the contemplated reuses, in combination with the fact that the site is in the Coastal zone, there will environmental impacts that need to be identified and assessed, and for which mitigation needs to be defined. The Environmental Impact discussion is inadequate .

There are certain types of Environmental impact which will occur regardless of the specific ultimate use/mix of uses. These can certainly be studied and mitigation proposed based on a range of intensification and character of use:

- A) Traffic levels and flow- there can be no doubt that the entire area's ingress and egress will be impacted by the proposed Use/s. There are dense, residential neighborhoods in close proximity. After declaring that density should be reduced for safety, traffic flow, and aesthetics, the City has allowed increased density in the area over the past 5-6 years. While the proposed reuse provides significant economic and social benefit to the city, the community and the public, and affords continued access to the coastal access, it adds to the already-existing need to improve roadways and traffic circulation plans.

A large residential use such as that proposed will require more traffic and parking accommodation than a Hotel use.

- 4 B) Water/sewer-The additional requirement needs to be studied with mitigation plan, to assure adequate infrastructure and service.
- 5 C) Height restrictions- To optimize the land asset, and provide open space, the recommendation to grant additional Height is, we believe, a sound land use proposal. There are current residences where coastal scenic views would be obstructed as the result of a 6-7 story building. Nonetheless, a shade study should be done.
- 6 Other areas of environmental impact also need to be diligently assessed to assure CEQA compliance, and prevent unnecessary costly delays or change of direction later in the process.

7 We request that the Commission deny approval of the proposed MND, and remand to staff to redo, along with consideration of a proper Amendment to the General and area's Specific Plan.

Thank you.

Responses to Supplemental Comments
Ms. Denys Oberman Submitted to the Newport Beach Planning Commission
January 16, 2013

Response to Comment No. 1

As indicated in this comment, the Lido Village Design Guidelines are not regulatory but rather provide guidance to future development and redevelopment within Lido Village. However, it is important to note that the document was approved by the City of Newport Beach City Council. While they are not regulatory, they provide guidance to achieve the desired visual character and aesthetic quality within Lido Village, although all improvements occurring with the affected area are subject to applicable regulations and permitting process imposed by the City's General Plan, zoning code and related ordinances, and other related regulatory requirements. Finally, the guidelines are intended to provide design guidance for future development and redevelopment "... with the assurance that others who follow will be held to the same or similar unifying set of standards."

Response to Comment No. 2

The initial study does conclude that project implementation (i.e., approval of the land use and zoning amendments), including potential secondary effects associated with reuse/redevelopment of the City Hall property, does not result in potentially significant environmental impacts in several areas. The environmental issues where no impacts were identified and/or potential impacts were determined to be less than significant include: agriculture and forestry resources, air quality, geology and soils, greenhouse gas, land use and planning, mineral resources, population and house, recreation, transportation and circulation, and utilities. In some areas, the implementation of measures prescribed in the Newport Beach General Plan and/or other conditions typically required by the City intended to avoid potentially significant impacts include: cultural resources, hydrology and water quality, and policies protection. The initial study identified potentially significant impacts that require the imposition of mitigation measures in the following areas: aesthetics, biological resources, noise, and fire protection. Based on the analysis presented in the initial study, implementation of the standard conditions and mitigation measures, potentially significant impacts that were identified would be avoided or reduced to a less than significant level. Finally, as stated in the initial study, any future plan for reuse/redevelopment will also be subject to further planning and environmental review. Should it be determined that the proposed plan would result in impacts not identified and described in the analysis presented in the initial study, it would be subject to supplemental environmental review and analysis, including public review.

Response to Comment No. 3

As indicated in the initial study (refer to Section 4.16(a)), although implementation of one or more of the several development scenarios identified and analyzed may result in the generation of greater daily vehicular trips, with the exception of the p.m. peak hour inbound trips, the various development scenarios resulted in less peak hour trips and, therefore, a reduction in the contribution of trips generated at the project site when compared to the existing City Hall. As a result, implementation of the various reuse scenarios identified and analyzed in the initial study would not result in significant impacts at either of the three nearby key study intersections, even though the Newport Boulevard/Hospital Road and Newport Boulevard/32nd Street intersections are forecast to operate at LOS E at full buildout of the General Plan. Project-related impacts are less than significant at these intersections because the peak hour traffic generation by the proposed project would be less than that generated by the existing City Hall use. Nonetheless, as indicated in Response to Comment No. 2, a reuse plan submitted in the future on the subject property would be subject to subsequent planning and environmental review and, depending upon the specific parameters (e., types of land uses, intensity of development, etc.), subsequent environmental analysis may be required should it be determined that the traffic generation associated with such a project would exceed the forecasts analyzed in the initial study and result in a potentially significant impacts to traffic and circulation.

Response to Comment No. 4

The analysis of sewer and water contained in Section 4.17 (Utilities and Services Systems) concluded that implementation of a project pursuant to the land use and zoning parameters allocated under the proposed land use and zoning amendments would not result in potentially significant impacts to either water or sewer facilities and services. The General Manager of the Newport Beach Utilities Department reviewed the project and concluded that reuse/redevelopment of the City Hall property in accordance with the proposed amendments would have little to no effect on the City's overall water supply and wastewater discharge capabilities (Section 4.17(a) on p. 119).

Response to Comment No. 5

Although no shade/shadow-sensitive land uses are currently located in close proximity to the existing City Hall property, and application was submitted to the City that proposes residential development approximately 50 feet east of the site at 3355 Via Oporto. The City conducted a shade/shadow study to determine if future reuse/redevelopment of the subject property would result in potential adverse effects either on that property and the proposed future residential development or on other nearby sensitive land uses.

As indicated above, a shade-shadow study was conducted for the proposed project based on 26-foot and 55-foot building height limits and setback standards contained within the proposed Zoning Code Amendment for the City Hall Reuse project. It is important to note that the City of Newport Beach has determined that shadow-sensitive uses include, but are not limited to, residential, recreational and park areas, plazas, schools, and nurseries. Furthermore, the City considers that a significant impact related to shadows occurs when 50 percent of shadow-sensitive use or area is in shade/shadow for at least 50 percent of the time between 9:00 a.m. and 3:00 p.m. Pacific Standard Time (PST) between late October and early April or between 9:00 a.m. and 5:00 p.m. Pacific Daylight Time (PDT) between early April and Late October.

The shade/shadow diagrams prepared for the proposed project were produced to illustrate potential shadows cast on the winter solstice (i.e., December 21) and for October 31st in order to provide the most conservative analysis (i.e. worst case). On these days and times, the shadows are the longest and would have the greatest potential adverse effect on sensitive land uses.

October 21 Shade Shadow Results

As indicated in the attached exhibits prepared for October 21, future project-related shadows will not affect 3355 Via Oporto until approximately 1:20PM, thereby leaving this property free of project-related shadows for more than 50 percent of the time between 9:00 a.m. and 5:00 p.m. PDT. At 3:00 p.m. PDT, , less than 50 percent of the area proposed for residential development at 3355 Via Oporto would be within the shadow cast by any future development located within the building envelope of the City Hall property.

December 21 (Winter Solstice) Shade Shadow Results

On the winter solstice (December 21), project-related shadows will not affect the property at 3355 Via Oporto until approximately 1:20 p.m., thereby leaving this property free of project-related shadows for more than 50 percent of the time between 9:00 a.m. and 3:00 p.m. PST. At 3:00 p.m. PST, when the shadow is the longest because the sun is low in the sky) less than 50 percent of the area proposed for residential development at 3355 Via Oporto would be in shadow.

Therefore, based on the shade/shadow study conducted for the proposed project (i.e., future redevelopment of the City Hall property), no significant shade-shadow impacts would be expected to occur to the potential residential development that may occur at 3355 Via Oporto because shadows cast by such future redevelopment of the City Hall property would not exceed 50 percent of the time between the proscribed time periods and additionally, shadows would cover less than 50 percent of the site. As indicated above, the analysis assumed based not only on the maximum building heights but also assuming minimum setbacks. It

is important to note that future building proposed for the City Hall property may not completely fill the entire building height envelope or the maximum building footprint. As a result, the exhibits illustrating the potential shade/shadow effects are considered to be “worst case.” Nonetheless, implementation of future redevelopment based on the proposed land use and zoning amendments will not result in potentially significant impacts to future residential uses that may be developed 3355 Via Oporto.

Response to Comment No. 6

Without additional information as to specific areas it is not possible to respond to this comment. However, the analysis presented in the initial study and distributed for public review and comment included an analysis on each of the environmental issues identified in the City’s environmental checklist. As previously indicated, based on that analysis, implementation of the proposed land use and zoning amendments would either result in less than significant impacts or potentially significant impacts that can be reduced to a less than significant level. Therefore, a mitigated negative declaration has been recommended for approval by the Newport Beach City Council.

Response to Comment No. 7

This comment, which requests denial of the proposed land use and zoning amendments by the Planning Commission, is noted; no response is required.

October 31
9am



CITY OF NEWPORT BEACH
City Hall Reuse Amendments (PA2012-031) Shading Study

October 31
12pm



CITY OF NEWPORT BEACH
City Hall Reuse Amendments (PA2012-031) Shading Study

October 31
1:20 pm



**CITY OF NEWPORT BEACH
City Hall Reuse Amendments (PA2012-031) Shading Study**

**Rabben/Herman
design office**

Landscape Architecture Master Planning Urban Design
833 Dover Drive, Suite 9 Newport Beach, CA 92663
P: 949.548.3459 F: 949.548.5743 www.rhdo.com

October 31
3pm



CITY OF NEWPORT BEACH
City Hall Reuse Amendments (PA2012-031) Shading Study

December 21
9am



CITY OF NEWPORT BEACH
City Hall Reuse Amendments (PA2012-031) Shading Study

December 21
12pm



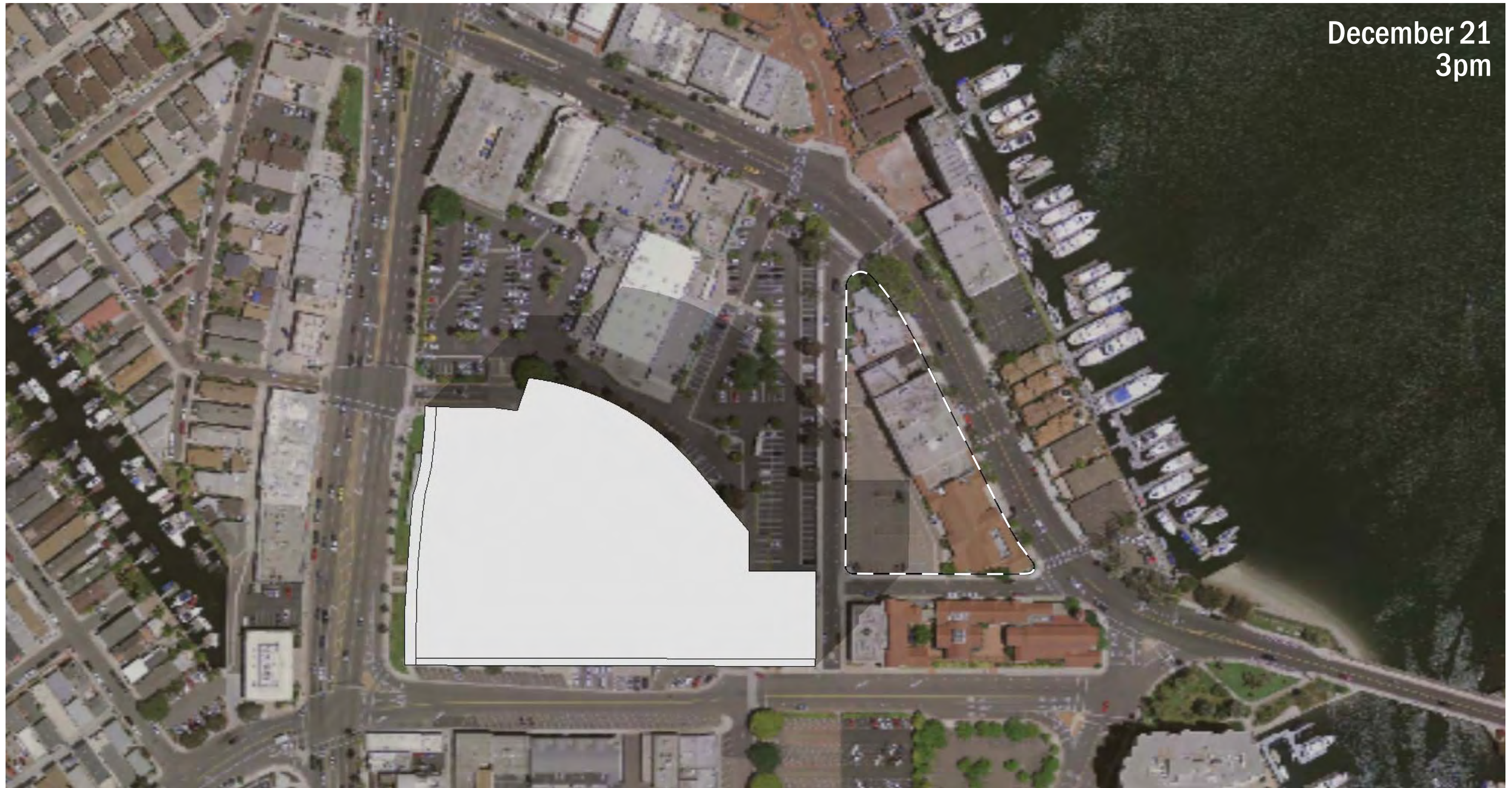
CITY OF NEWPORT BEACH
City Hall Reuse Amendments (PA2012-031) Shading Study

December 21
1:20 pm



CITY OF NEWPORT BEACH
City Hall Reuse Amendments (PA2012-031) Shading Study

December 21
3pm



CITY OF NEWPORT BEACH
City Hall Reuse Amendments (PA2012-031) Shading Study

MITIGATION MONITORING AND REPORTING PROGRAM
NEWPORT BEACH CITY HALL REUSE PROJECT AMENDMENTS



MITIGATION MONITORING AND REPORTING PROGRAM

In accordance with the California Environmental Quality Act (CEQA), the City of Newport Beach prepared a Mitigated Negative Declaration (MND) and Initial Study for the proposed Newport Beach City Hall Reuse Project located in the City of Newport Beach. The MND indicated that the potential adverse environmental impacts of the project, in terms of Aesthetics, Biological Resources, Cultural Resources, Noise, and Public Services (i.e., Fire Protection) could be mitigated to below levels of significance. The mitigation measures have been incorporated into the project and the MND is scheduled for adoption by the City of Newport Beach, in conjunction with the approval of the project. In addition to the mitigation measures, several standard conditions and/or project design features have also been incorporated into the proposed project that avoid or reduce potentially significant impacts. The standard conditions are also listed in the MMRP.

Section 21081.6 of the Public Resources Code (PRC) and CEQA Guidelines section 15097 require the Lead Agency for each project which is subject to the CEQA to monitor performance of the mitigation measures included in any environmental document to ensure that implementation does, in fact, take place. The PRC requires the Lead Agency to adopt a monitoring and reporting program that is designed to ensure compliance during project implementation. In accordance with PRC Section 21081.6 and CEQA Guidelines section 15097, this Mitigation Monitoring and Reporting Program (MMRP) has been developed for the Newport Beach City Hall Reuse project.

MITIGATION MEASURES

The mitigation measures which are required to reduce or avoid the potentially significant adverse impacts of future development on the project site are listed in **Table 1, Mitigation Monitoring and Reporting Program**. Responsible parties, the time frame for implementation, and the monitoring parties are also identified for each measure. In order to determine if the responsible party has implemented these measures, the method of verification is also identified, along with the City of Newport Beach department or agency responsible for monitoring/verifying that the responsible party has completed each mitigation measure.

Table 1

**Mitigation Monitoring and Reporting Program
Newport Beach City Hall Reuse Project
Newport Beach, CA**

SC/MM No.	Mitigation Measure	Method of Verification	Timing of Implementation	Responsibility
Aesthetics				
M 4.1-1	<i>Future redevelopment/reuse of the City Hall Complex property shall reflect the architecture, landscape architecture, lighting and all applicable related guidelines established for the subject site by the Lido Village Design Guidelines. Prior to approval of a future project for redevelopment/reuse of the City Hall Complex property, the applicant shall submit development plans that comply with the Lido Village Design Guidelines applicable to the City Hall Complex property.</i>	Plan Check	Prior to Approval of Site Development Plan	Planning Division

SC/MM No.	Mitigation Measure	Method of Verification	Timing of Implementation	Responsibility
MM 4.1-2	Future uses and/or structures proposed for the City Hall Complex property shall comply with all applicable development standards of Section 5.1 (Implementation), the provisions of Part 3 (Site Planning and General Development Standards), and Part 4 (Standards for Specific Land Uses) in the Lido Village Design Guidelines. In addition, future site development shall also comply with other criteria, guidelines, and policies adopted by the City related to the use and development of land.	Plan Check	Prior to Approval of Site Development Plan	Planning Division
MM 4.1-3	Prior to issuance of a grading permit, a Master Landscape Plan shall be submitted to the Director of Community Development, in conjunction with the Master Site/Development Plan for the City Hall Complex property for review and approval. Landscaping shall complement the proposed site design and surrounding streetscape and must also be consistent with the Lido Village Design Guidelines for the City Hall Complex property. All landscaping shall comply with the landscape plant palette prescribed in the Lido Village Design Guidelines.	Plan Check	Prior to Issuance of Grading Permit	Planning Division
MM 4.1-4	Prior to the issuance of the first building permit for development proposed within the City Hall Complex property, the project Applicant shall submit for approval a lighting plan that shall incorporate a "dark sky" lighting system and its components into the Project design. The lighting plan shall be approved by the City of Newport Beach Community Development Director. The lighting plan shall incorporate electrical plans and structural plans that detail the provision of lighting systems for exteriors of all buildings, parking lots, loading areas, walkways, public use areas, any public art displays, fountains, or landscape areas. Lighting within the development shall be directed and shielded so that light does not spill into adjacent development. Flood lamp shielding and/or sodium bulbs shall be used in developed areas to reduce the amount of stray lighting into off-site. No skyward-casting lighting shall be used. Final lighting orientation and design shall be in accordance with the "dark sky" lighting standards as defined by the Illuminating Engineering Society of North America (IESNA) and shall reduce the impacts of new light sources to the extent feasible as determined by the Community Development Director or his/her designated representative. Prior to final inspection or issuance of a certificate of occupancy, where applicable, the City shall cause to be performed a photometric field survey to verify the proper construction and installation of materials within the approved plan; determine the actual light patterns and values through light meter testing and observation; and determine the extent of any errant lighting. Deviations and/or violations shall be corrected prior to the final occupancy of future development.	Plan Check	Prior to Issuance of First Building Permit	Planning Division
Agriculture and Forest Resources				
No significant impacts will occur and no mitigation measures are required.				

SC/MM No.	Mitigation Measure	Method of Verification	Timing of Implementation	Responsibility
Air Quality				
No significant impacts will occur and no mitigation measures are required.				
Biological Resources				
MM 4.4-1	Prior to the approval of future development of the City Hall Complex property, the City shall develop a Tree Management Program that would include the removal, relocation or preservation of all existing trees or landscape materials. The removal or relocation of designated Special Trees shall be subject to Council Policy G-1 and Parks, Beaches, and Recreation Commission or City Council approval.	Plan Check	Prior to Approval of Future Site Development	Planning Division
MM 4.4-2	Every effort should be taken to avoid significantly impacting the two Landmark Trees. Should future development of the site put the Landmark Trees in jeopardy, the trees should be transplanted to an acceptable location on-site provided there are located to minimize future damage to hardscape or underground utility systems. As an alternative, the trees can be relocated to an appropriate off-site location. In the event that the trees do not remain on-site, the City should consider planting two replacement specimen trees of any variety on-site that would be eligible to be designated as Landmark Trees.	Plan Check/On-Site Monitoring	Prior to Issuance of Grading Permit/During Site Preparation and Grading	Planning Division
MM 4.4-3	The City should locate an existing <u>Ficus benjamina</u> tree in a City park and dedicate the tree in the name of William Lawrence "Billy" Covert. Should an appropriate tree not be found, the City will attempt to transplant the existing tree or plant a new tree of the same variety at an appropriate location. The re-dedicated tree should have a permanent marker or plaque. Every effort should be made to involve the Covert family in this process.	Plan Check	Prior to Issuance of Building Permit	Planning Division
MM 4.4-4	Because the Walter Knott Tree and the California Bicentennial Tree cannot be effectively transplanted, the City should locate an existing tree within a City park and dedicate it in the name of Walter and Cordelia Knott. The City should also locate an existing tree in a prominent location within a City park or at the new Civic Center and dedicate it in honor of the State of California. The re-dedicated trees will have permanent markers and every effort should be made to involve the Knott family and the community in the process.	Plan Check	Prior to Issuance of Building Permit	Planning Division
MM 4.4-5	Because the Freedom Tree also cannot be effectively transplanted, the City should locate an existing tree in a very prominent location within a City park or at the new Civic Center and dedicate it as The Freedom Tree. An appropriate permanent marker or plaque will be provided and the dedication should be accomplished with community and veterans groups' participation.	Plan Check	Prior to Issuance of Building Permit	Planning Division
MM 4.4-6	All other trees or other landscaping should be incorporated on-site within new development to the extent practical. If existing trees or landscaping are not being utilized in new designs, the City should salvage and transplant whatever it deems appropriate and then	Plan Check	Prior to Issuance of Grading Permit	Planning Division

SC/MM No.	Mitigation Measure	Method of Verification	Timing of Implementation	Responsibility
	consider offering remaining salvageable landscaping to the public at auction provided the cost of landscape salvage is the responsibility of the successful bidders.			
Cultural Resources				
SC 4.5-1	A qualified archaeological/paleontological monitor shall be retained by the project applicant who will be available during the grading and landform alteration phase. In the event cultural resources and/or fossils are encountered during construction activities, ground-disturbing excavations in the vicinity of the discovery shall be redirected or halted by the monitor until the find has been salvaged. Any artifacts and/or fossils discovered during project construction shall be prepared to a point of identification and stabilized for long-term storage. Any discovery, along with supporting documentation and an itemized catalogue, shall be accessioned into the collections of a suitable repository. Curation costs to accession any collections shall be the responsibility of the project applicant.	Proof of Qualified Archaeological/Paleontological Monitor	Prior to Issuance of Grading Permit	Planning Division
MM 4.5-1	The City shall provide an opportunity for a Native American representative to monitor excavation activities. The representative shall be determined by the City based on input from concerned Native American tribes (i.e., Gabrielino, Juaneño, and Tongvas).	On-Site Monitoring	During Site Preparation and Grading	Planning Division
Geology and Soils				
No significant impacts will occur and no mitigation measures are required.				
Greenhouse Gas Emissions				
No significant impacts will occur and no mitigation measures are required.				
Hazards and Hazardous Materials				
SC 4.8-1	The City of Newport Beach will require all plans for proposed future development within the project area to comply with all applicable Federal, State, and local regulations pertaining to the transport, storage, use and/or disposal of hazardous materials on the site.	Plan Check	Prior to Issuance of Grading Permit	Building Division
SC 4.8-2	Prior to issuance of a demolition permit, a sampling and analytical testing program shall be undertaken by a certified asbestos consultant (CAC) and certified LBP inspector (unless those materials are handled as ACM and/or LBP). If ACM and/or LBP is detected, the materials shall be removed by a licensed asbestos or LBP contractor prior to any building demolition or renovation that would disturb the identified ACM or LBP.	Testing	Prior to Issuance of Demolition Permit	Building Division

SC/MM No.	Mitigation Measure	Method of Verification	Timing of Implementation	Responsibility
Hydrology and Water Quality				
SC 4.9-1	Prior to issuance of a grading permit, the project applicant for future redevelopment/reuse of the City Hall Complex property shall be required to submit a notice of intent (NOI) with the appropriate fees to the State Water Quality Resources Control Board for coverage of such future projects under the General Construction Activity Storm Water Runoff Permit prior to initiation of construction activity at a future site. As required by the NPDES permit, a Storm Water Pollution and Prevention Plan (SWPPP) will be prepared and will establish BMPs in order to reduce sedimentation and erosion.	Submit evidence of NOI filing	Prior to issuance of grading permit	Building Division and Public Works Department
SC 4.9-2	Prior to approval of redevelopment/reuse project on the City Hall Complex property by the City Council, the project applicant shall prepare a Preliminary Water Quality Management Plan (WQMP) for the project and submit the Final WQMP to the City of Newport Beach for approval with the project improvement plans. The WQMP shall specifically identify Best Management Practices (BMPs) that will be used to control predictable pollutant runoff, including flow/volume-based measures to treat the "first flush." The WQMP shall identify at a minimum the routine structural and non-structural measures specified in the Countywide NPDES Drainage Area Master Plan (DAMP), which details implementation of the BMPs whenever they are applicable to a project, the assignment of long-term maintenance responsibilities, and shall reference the locations of structural BMPs.	Approval of WQMP	Prior to issuance of grading permit	Building Division and Public Works Department
SC 4.9-3	Prior to issuance of a grading permit for future redevelopment/reuse of the City Hall Complex property, the project applicant shall prepare a Storm Water Pollution and Prevention Plan (SWPPP). The SWPPP will establish BMPs in order to reduce sedimentation and erosion and prevent construction pollutants from leaving the site. The project shall also incorporate all monitoring elements as required in the General Construction Permit. The project applicant shall also develop an erosion and sediment control plan to be reviewed and approved by the City of Newport Beach prior to issuance of grading permit.	Submit SWPPP Approval of erosion and sediment control plan	Prior to issuance of grading permit	Building Division and Public Works Department
SC 4.9-4	Future site grading and construction shall comply with the drainage controls imposed by the applicable building code requirements prescribed by the City of Newport Beach.	Submit evidence of compliance and site inspection	During grading and construction activities	Building Division and Public Works Department
Land Use and Planning				
No significant impacts will occur and no mitigation measures are required.				
Mineral Resources				
No significant impacts will occur and no mitigation measures are required.				

SC/MM No.	Mitigation Measure	Method of Verification	Timing of Implementation	Responsibility
Noise				
SC 4.12-1	To ensure compliance with Newport Beach Municipal Code Section 10.28.040, grading and construction plans for future redevelopment/reuse of the City Hall Complex property shall include a note indicating that loud noise-generating Project construction activities (as defined in Section 10.28.040 of the Newport Beach Noise Ordinance) shall take place between the hours of 7:00 a.m. and 6:30 p.m. on weekdays and from 8:00 a.m. to 6:00 p.m. on Saturdays. Loud, noise-generating construction activities are prohibited on Sundays and federal holidays.	Plan Check	Prior to Issuance of Grading Permit	Public Works Department
SC 4.12-2	HVAC units shall be designed and installed in accordance with Section 10.26.045 of the Newport Beach Noise Ordinance, which specifies the maximum noise levels for new HVAC installations and associated conditions.	Plan Check	Prior to Issuance of Building Permit	Public Works Department
SC 4.12-3	All residential and hotel units shall be designed to ensure that interior noise levels in habitable rooms from exterior transportation sources (including aircraft and vehicles on adjacent roadways) shall not exceed 45 dBA CNEL. This condition complies with the applicable sections of the California Building Code (Title 24 of the <i>California Code of Regulations</i>) and, for multiple-family residences, exceeds the requirements of Section 10.26.025 of the Noise Ordinance. Prior to issuance of a building permit, the Developer/Applicant of future redevelopment/reuse of the City Hall Complex property shall submit to the City of Newport Beach Community Development Department, Building Division Manager or his/her designee for review and approval architectural plans and an accompanying noise study that demonstrates that interior noise levels in the habitable rooms of residential and hotel units due to exterior transportation noise sources would be 45 dBA CNEL or less. Where closed windows are required to achieve the 45 dBA CNEL limit, Project plans and specifications shall include ventilation as required by the California Building Code.	Plan Check	Prior to Issuance of Building Permit	Public Works Department
SC 4.12-4	In accordance with City of Newport Beach standards, rubberized asphalt, or pavements offering equivalent or better acoustical properties shall be used to pave all public arterials on the Project site and all off-site City of Newport Beach roads where improvements would be provided or required as a part of the Project.	Plan Check	Prior to Issuance of Building Permit	Public Works Department
MM 4.12-1	Prior to issuance of future demolition or permits, the Director of the City of Newport Beach Community Development Department, or designee, shall verify that the following notes appear on demolition, grading and construction plans: 1. During all project site demolition, excavation and grading, the project contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards.	Plan Check	Prior to Issuance of Demolition Permit	Planning Division

SC/MM No.	Mitigation Measure	Method of Verification	Timing of Implementation	Responsibility
	<p>2. The project contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.</p> <p>The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction related noise sources and noise-sensitive receptors nearest the project site during all project construction.</p>			
Population and Housing				
No significant impacts will occur and no mitigation measures are required.				
Fire Protection				
SC 4.14-1	Future redevelopment/reuse proposed for the City Hall Complex shall be designed in accordance with all applicable design parameters of the California Fire Code, California Building Code and local City amendments.	Plan Check	Prior to Issuance of Building Permit	Fire Department
MM4.14-1	Prior to City approval of redevelopment/reuse plans for the City Hall Complex, the Applicant shall obtain Fire Department review and approval of the site plan in order to ensure adequate access is provide to the Project site and that the site plan has been designed to accommodate emergency vehicles.	Plan Check	Prior to Approval of Redevelopment/Reuse Plan	Fire Department
Police Protection				
SC 4.14-2	Prior to issuance of building permit for future development of the City Hall Complex, the City of Newport Beach Police Department shall review development plans for the incorporation of defensible space concepts to reduce demands on police services. Public safety planning recommendations shall be incorporated into the Project plans as determined necessary. The Applicant shall prepare a list of Project features and design components that demonstrate responsiveness to defensible space design concepts. The Police Department shall review and approve all defensible space design features incorporated into the Project prior to initiating the building plan check process.	Plan Check	Prior to Issuance of Building Permit	Police Department
SC 4.14-3	Prior to the issuance of the demolition permit and/or action that would permit Project site disturbance, the Applicant shall provide evidence to the City of Newport Beach Police Department that a construction security service or equivalent service shall be established at the construction site along with other measures, as identified by the Police Department and the Public Works Department, to be instituted during the grading and construction phase of the project.	Agreement	Prior to Issuance of Demolition Permit and/or Action that would permit Site Disturbance	Police Department

SC/MM No.	Mitigation Measure	Method of Verification	Timing of Implementation	Responsibility
Schools				
SC 4.14-4	Prior to building permit issuance for future redevelopment/reuse of the City Hall Complex property, the applicant for such development shall pay the applicable statutory developer fees for residential and non-residential land uses in effect at the time of the building permit.	Payment of Fees	Prior to Issuance of Building Permit	Planning Division
Recreation				
No significant impacts will occur and no mitigation measures are required.				
Transportation/Traffic				
No significant impacts will occur and no mitigation measures are required.				
Utilities and Service Systems				
No significant impacts will occur and no mitigation measures are required.				